

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1360 OF 2022

(Dr. Harish s/o Narayandasji Rathii Vs. Akshay s/o Satishchandra Verma)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. J. M. Gandhi, Advocate for Petitioner.
Mr. R. M. Sharma, Advocate for Respondent.

CORAM: ROHIT B. DEO, J.

DATE: 18th APRIL, 2022.

In appeal, application seeking permission to amend the written statement which is preferred by the appellant – tenant is rejected.

2. It would not be necessary to consider the rival contentions, since the parties agree that the following order can be passed with consent.

3. The tenant has already undertaken not to seek a single adjournment and to co-operate with the Appellate Court in expeditious disposal of the appeal and further not to adduce any additional evidence and to rely only on the evidence on record in the trial court, if the amendment is allowed.

4. The parties agree that the order impugned can be quashed and the written statement can be amended

within the next four days, and within the next forty-eight hours the plaintiff can amend the plaint, if necessary.

5. Neither parties shall adduce further evidence since it is common ground that the evidence on record would be relied upon even as regards the amended pleadings and the rebuttal by the plaintiff, if done.

6. The Appellate Court has already heard the submissions on behalf of the land-lord. The Appellate Court shall decided the appeal finally on or before 05.05.2022.

7. The petition is disposed of in the aforestated terms.

8. Steno copy granted.

JUDGE

NSN