



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 WRIT PETITION NO. 13543 OF 2023

JAKIR JALAL SAYYAD

VERSUS

THE MANAGER KALLAM TRANSMISSION LIMITED SELU

Advocate for Petitioner : Mr. Undre Vikram Shivaji,
Advocate for Respondents : Mr. Sambhaji S. Wakure

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 15th DECEMBER, 2023

PER COURT :

1. This petition is directed against the order dated 22.05.2023 passed below Exhibit 31 in RCS No. 26 of 2023. An application of the petitioner under Order I Rule 10 of the Code of Civil Procedure, is rejected by the impugned order.

2. The petitioner is the plaintiff who is prosecuting RCS No. 26 of 2023 for injunction against the respondent. The petitioner filed application Exhibit 31 under Order I Rule 10 of CPC and it was rejected. Thereafter, he filed Exhibit 34 under Order XXVI Rule 9 of CPC and it was rejected on 14.06.2023. The order dated 14.06.2023, below Exhibit 34 has not been challenged by the petitioner in this petition though there is a stay on the ground of objection. Learned counsel for the petitioner proposes to file comprehensive application for amendment to plaint as well as for adding the party.

3. Learned counsel for the respondent submits that the petitioner is protracting the matter. On the ground of pendency of this petition, already adjournments have been sought in the Trial Court. The suit is posted for final hearing as both the parties have led evidence. It would cause prejudice if any such requests of the petitioner is entertained.

4. Having considered the submissions of the parties, I find that application Exhibit 31 is defective and as such no interference is called for in the impugned order. However the suit is of 2023. It has reached the stage of final hearing. In the interest of justice, I deem it appropriate to grant opportunity to the petitioner to file comprehensive application, if he so desires.

5. This Writ Petition is disposed of with a liberty to the petitioner to file comprehensive application, if so advised. The application shall be decided on its own merits without being influenced by the impugned order or the present minutes of order. The respondent is entitled to raise objections.

[SHAILESH P. BRAHME, J.]