



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 214 OF 2023

SAFEWAY PROJECTS PVT LTD THROUGH ITS DIRECTOR
LALITKUMAR MOHANLAL JAIN ..APPELLANT

VERSUS

SAJID MALIK CHINOY AND ANOTHERS RESPONDENTS

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Advocate FOR THE Applicant : Mr. Sudhir Vodite h/f Mr. Patil Abhishek
Deelip

Advocate for Respondent Nos. 1 : Mr. Y. B. Pathan

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CORAM : S. G. MEHARE, J.

DATE : 20.12.2023

PER COURT :

1. Issue notice to the respondents. The learned counsel Mr. Y. B. Pathan, waive the service for contesting respondent No.1.
2. The applicant (original defendant) has made a simple prayer before The Maharashtra Waqf Tribunal that six weeks time may be granted to file the application for amendment of the written statement, when, the case was closed for passing order for temporary injunction application. The Court rejected the request. Against the said order the contesting defendant is before this Court.

3. The learned counsel for contesting respondent/plaintiff would submit that he never raised objection for filing the document, however, when the application was moved, the amendment application was not ready with the defendant. Already seven weeks have been spent but the applicant did not file any application for amendment of the written statement.

4. The learned counsel for the applicant/defendant would submit that since the time to file amendment application to the written statement was refused, he was not supposed to file an amendment application directly.

5. Considering the nature of dispute and the impugned order, the following order may serve the purpose.

ORDER

- (i) The Civil Revision Application is allowed.
- (ii) The impugned order of the Tribunal dated 01.11.2023 below Exh. 64 in Waqf Suit No. 119 of 2022 is quashed and set-aside.
- (iii) Three weeks time granted to the defendant to file an application for amendment of the written statement.
- (iv) The plaintiff will have right to oppose the application.

(v) The learned counsel for the defendant has no objection
to maintain the status quo.

(vi) No order as to costs.

(S. G. MEHARE)
JUDGE

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