

24 January, 2023.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9330 OF 2022

Shri. Hanumantrao Shivram Wagh

....Petitioner

V/s.

Shri. Govind Narayan Ashtekar and Ors.

....Respondents

Mr. Shailendra S. Kanetkar, Advocate for the petitioner.

Mr. Sandesh Patil i/by. Mr. Chintan Y. Shah, Advocate for
respondent no.1.

CORAM : SANDEEP V. MARNE, J.

TUESDAY, 24 JANUARY, 2023.

P.C. :

1. By this petition, the petitioner assails order dated 29 October, 2021 passed by the Ad-Hoc District Judge-1, Karad on application below Exhibit-116 rejecting petitioner's application for amendment of Written Statement. Petitioner is the original defendant.

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2. After the petition was heard substantially, Mr. Kanetkar, learned Counsel appearing for the petitioner, on instructions, makes a statement that in the event of amendment to the Written Statement being allowed, the petitioner (original defendant), shall not lead additional evidence. Mr. Patil, learned Counsel appearing for the respondents submits that, if the petitioner (original defendant) does not lead additional evidence, his clients would not oppose amendment to the Written Statement.

3. In view of the consensus prevailing amongst the learned Counsel appearing for the parties, this petition can conveniently be disposed of by passing the following order :

(i) Order dated 29 October, 2021 passed by the Ad-Hoc District Judge, Karad on application below Exhibit-116 is set aside and petitioner's application at Exhibit-116 for amendment of written statement, stands allowed in terms of the prayers made therein.

(ii) The petitioner (original defendant) shall not be entitled to lead additional evidence in support of the amended portion of Written Statement.

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4. Considering the fact that the Appeal is pending since the year 2015, the Appellate Court is requested to expedite the hearing of the same.

5. The Writ Petition is allowed to the above extent.

(SANDEEP V. MARNE, J.)