

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14419 OF 2022

Sangita Ashok Yadav And Ors

...Petitioners

Versus

Vikas Ananda Deshmukh And Ors

...Respondents

Mr. Drupad Patil & Mr. Nikhil N. Pawar for the Petitioners

Mr. Shekhar Jagtap & Mr. Venkatesh Shinde i/b J. Shekhar & Co. for
the Respondents.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : AUGUST 11, 2023

P. C. :

1. The Writ Petition can be disposed of in view of the submissions made by the learned counsel appearing for the Petitioner that the written statement filed below Exhibit-112 will be withdrawn and an application will be moved for filing additional written statement to the amended portion of the plaint.

2. By the impugned order dated 30th September, 2022 the application filed by the Plaintiff under Order 8 Rule 9 read with Section 151 of the Code of Civil Procedure came to be allowed and the written statement

filed below Exhibit-112 came to be discarded from the record.

3. Considering the submission of learned counsel appearing for the Petitioner, it would be in interest of justice, if the impugned order dated 30th September, 2022 is quashed and set aside. The submission of learned counsel appearing for the Petitioner that the written statement below Exhibit-112 will be withdrawn is accepted as an undertaking to this Court. Upon withdrawal of the written statement filed below Exhibit-112, liberty to the Petitioners to file an application before the Trial Court for permission to file written statement to the amended portion of the plaint. In event such an application is filed, the same to be considered by the Trial Court on its own merits. Needless to clarify that all the rights and contentions of both the parties are expressly kept open.

4. The Trial Court to consider the application without being influenced by the observations made in the order dated 30th September, 2022.

5. As the proceedings are made time bound by this Court, learned counsel for the Petitioner is directed to file an application for permission to file the written statement to the amended portion of the plaint on or before 25th August, 2023. The reply, if any, be filed on or before 31st August, 2023. The Trial Court is requested to hear the application

expeditiously and decide the same on or before 11th September, 2023.

Writ Petition stands disposed of in above terms.

(SHARMILA U. DESHMUKH, J.)

This order is corrected as per speaking to the minutes of order dated 19th August, 2023.