

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

WRIT PETITION NO. 6598 OF 2022

Yogesh Ramesh Bansod and ors __ Vs. __ Prafulla Sadashiv Buty

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

Court's or Judge's orders

Mrs. Parimala Bordikar-Pande, Advocate for petitioner
Mr. R.M.Sharma. Advocate for respondent
Ms. T.H.Khan, AGP for respondent nos. 2 & 3

CORAM : AVINASH G. GHAROTE, J.
DATE : 23/03/2023

1] Heard Mrs. Bordikar-Pande, learned counsel for the petitioner and Mr. Sharma, learned counsel for the respondent.

2] The petition challenges the order dated 18.4.2022 (pg.74) whereby the application for amendment of the written statement at the stage when DW-3 was under the process of being examined, has been rejected by the learned trial Court.

3] Mrs. Bordikar-Pande, learned counsel for the petitioner submits that the amendment is necessary for the due decision of the suit and was necessitated in view of the advertisement published by Smt. Harshvardhini Buty Tomar in the local

newspaper 'Hitvada' dated 30.1.2021, mentioning the filing of Civil Suit No. 381/2014 against the members of the respondent HUF, for bringing the discord between the respondent and the aforesaid persons regarding the title to the suit property.

4] Since the written statement filed by the present petitioners who are the defendants in RCS No. 69/2016, indicates that the rent of the premises in question have been paid to the respondent, the admission regarding the relationship of landlord and tenant is duly established. That being the position, the question of bringing any discordant claim vis a vis the suit property by third party would clearly not be germane for deciding the matter in issue in the suit before the learned Small Causes Court, which is for eviction, on the basis of an admitted plea of the landlord and tenant relationship. In that view of the matter, I do not see any reason to interfere in the matter. The petition is accordingly dismissed. No costs.

JUDGE

Rvjalit

Digitally sign byRAJESH
VASANTRAO JALIT
Location:
Signing Date:23.03.2023 16:51