



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

Writ Petition (WP) No. 4708 of 2023

Smt. Prabha Wd/o Suryakant Dalvi and others

Versus

Shri Anna Zholbaji Dalvi since deceased and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R.Bhishikar, Advocate for the petitioners.

Shri P.M.Shukla, Advocate for the respondent no.6

CORAM : ANIL S. KILOR, J.

DATED : 14th SEPTEMBER, 2023.

Heard.

2. Learned counsel for the petitioner makes a statement that he does not want to press the application for amendment in a format in which it is filed before the learned trial Court.

3. He wants to restrict his amendment to certain paragraphs. He is therefore, praying for liberty to move a fresh application before the learned trial Court.

4. Learned counsel for the respondent opposed such a request.

5. However, considering the nature of dispute, I am of the opinion that since the earlier application for amendment was moved prior to the commencement of the trial, the petitioner deserves an opportunity.

6. Accordingly, the petitioner is permitted to withdraw the writ petition with liberty to the petitioner to file an application for amendment a fresh restricting his amendment to Paras 5(B), 6 (iv) with Schedule 'A', 6(v), 7 and 9 with prayer clause viz clause No.2(i), 2(iii), 2(vi) of the present application for amendment.

7. The learned trial Court on filing such application shall decide the same in accordance with law after giving sufficient opportunity to file reply and say by the defendant.

8. Accordingly, the writ petition is disposed of.

[ANIL S. KILOR, J.]