



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

61 WRIT PETITION NO. 9642 OF 2015

SUHAS YASHWANT JOSHI

VERSUS

OM BALKISAN AGRAWAL AND ANOTHER

...
Advocate for the Petitioner : Mr. Mandlik Pratap a/w. T. K. Sant
Advocate for Respondents No.1 and 2 : Mr. Kulkarni Sanket
...

CORAM: ARUN R. PEDNEKER, J.

Dated : February 26, 2024

PER COURT :-

1. Heard the learned Advocate for the parties. By the present writ petition, the petitioner is challenging the order passed below Exhibit 181 and 182, dated 25/03/2015, by 3rd Joint Civil Judge, Junior Division, Jalgaon, whereby the petitioner's prayer for filing additional written statement to the amended plaint was rejected.
2. Having perused the order passed below Exhibit 181 and 182, dated 25/03/2015, it appears that the petitioner/defendant filed an application wherein he requested further time of 25 days to file the additional written statement as he intended to challenge the order of the Trial Court allowing the plaintiff to amend the plaint.
3. The Trial Court having considered that the defendant was earlier granted opportunity to challenge the order permitting

amendment of plaint and for filing of additional written statement, but no steps were taken by the petitioner. As such, the Court proceeded to pass no additional written statement order. The same is challenged in the present writ petition.

4. Having heard the learned Advocate for the parties, it is to be noted that in the event, the additional written statement is not allowed, the defendants will lose their right to defend the additional pleading raised in the suit and substantial prejudice will be caused to the defendant. Thus, I deem it appropriate to allow the petitioner to file additional written statement. In view of the same, the order of the Trial Court passed below Exhibit 181 and 182, dated 25/03/2015, is set aside subject to costs of Rs.5000/- (five thousand) to be paid to the plaintiff.

5. This petition was filed in the year 2015. However, there is inordinate delay in moving the petition. As such, the learned Advocate for the respondent submits that suit be directed to be decided as expeditiously as possible. He also submits that in the event the petitioner does not file the additional written statement within stipulated time, the order dated 25/03/2015 to remain in force.

6. In view of the fact that there is delay in moving this petition, it

is directed that the petitioner would file additional written statement within a period of six weeks from today and the Trial Court is directed to decide the suit within two years from the production of this order. In the event the amendment is not carried out in the stipulated time, the impugned order dated 25/03/2015 of the Trial Court to review.

7. The petitioner to pay costs of Rs.5,000/- (five thousand) before the Trial Court. In view of the above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.