

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

WRIT PETITION NO.2727 OF 2020

Malati Anandrao Chavan	...Petitioners
Versus	
Gunendra Shahupal Sangaj And Anr	... respondents

Mr. Surel S. Shah for the Petitioners.
Mr. Vinayak Kumbhar for Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 16 JANUARY 2024

P.C.:

1. This Writ Petition was argued yesterday. Mr. Vinyak Kumbhar, appearing for Respondent No.1 and 2/ Original Plaintiffs on instructions of Plaintiff No.2, who is present in the Court informs that the Plaintiff would not press for the contents of Paragraph No.4 of the Plaint in RCS No.304 of 2019 pending before the Civil Judge Senior Division, Kolhapur.

2. Since the challenged in this Writ is to the impugned order dated 28 January 2022 passed in order below Exhibit-55 in RCS No. 304 of 2009, which challenged specifically the contents of Paragraph No.4 of the plaint, which narrates that the contents of the say filed in Civil Miscellaneous Application No.65 of 2007 shall be read as part and parcel of the pleadings. As the Respondent No.2 has given specific direction to her Advocate that they will not be pressing for the contents of paragraph No.4 of the plaintiff, the

statement of Respondent No.2/Orig. Plaintiff No.2, is accepted, In view of the same, Paragraph No.4, should be considered as deleted from the Plaint, filed in RCS No.304 of 2019, hence, nothing survive in this Writ Petition. As a result, Writ Petition is disposed of.

3. So also, the consequential evidence lead by the Plaintiff as regards paragraph No.4 of the Plaint, will also be treated as not pressed, and the same stands deleted.

4. The RCS No.304 of 2009 pending before the Civil Judge Senior Judge, Kolhapur is expedited. The Civil Judge Senior Division, Kolhapur to make an endeavour to hear and dispose of the suit within a period of six months from the date of receipt of this order. Both the parties will cooperate and will not seek unnecessary adjournment at the hearing of the suit.

5. All the parties concern to act on an authenticated copy of this order.

(RAJESH S. PATIL, J.)