

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3113 OF 2024

Balaso Shamrao Patil

.. Petitioner

Versus

Roshan Ashok Gade and Anr.

.. Respondents

.....

- Mr. Laxman K. Kalel, Advocate for Petitioner.
- Mr. Atharva Sane a/w. Mr. Rohan Jagtap i./by K. D. Nerkar, Advocates for Respondents.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 28, 2024

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Mr. Kalel, learned Advocate for Petitioner and Mr. Sane, learned Advocate for Respondents.
- 3.** Mr. Sane has taken instructions and would submit that the Application filed Exhibit-171 under under Order VI Rule 17 of the Civil Procedure Code, 1908 (for short '**CPC**') is not been pressed after I have expressed my mind to the learned Advocate that amendment which has been allowed by the learned Trial Court deserves to be interfered with by this Court. Impugned order is hence quashed and set aside.
- 4.** Amendment has been carried out pursuant to Application filed below Order VI Rule 17 of the CPC having been allowed by the Trial Court shall be struck off from the record and file of the Court and

evidence which has been led by Respondent No.1 in that regard only shall not be considered at the final hearing of the suit proceedings.

5. Learned Trial Court is directed to proceed with the trial in the Suit as expeditiously as possible and determine the same within a period of four months from today.

6. With the above directions, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed by
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HANUMANT
SAWANT
Date: 2024.03.28
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