

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

WRIT PETITION NO.1228 OF 2024

Gopal Ramchandra Topale & Ors.

....Petitioners

V/S

Sachin Triambak Kulkarni & Ors.

....Respondents

Mr. Vaibhav R. Gaikwad *for the Petitioners.*

CORAM: SANDEEP V. MARNE, J.

DATE : 30 JULY 2024.

P.C.:

1 I have heard Mr. Gaikwad, the learned counsel appearing for the Petitioners. After having considered the submissions canvassed by Mr. Gaikwad, I am *prima facie* not convinced that the orders rejecting prayer for amendment of Written Statement and for amendment of Appeal Memo suffer from any error. So far as the application filed by the Petitioner under provisions of Order 41 Rule 27 of the Code of Civil Procedure, for leading additional evidence is concerned, it is the contention of Mr. Gaikwad that the said application ought to have been considered while deciding the Appeal and could not have been rejected at interlocutory stage. For considering the issue of correctness of order rejecting application under Order 41 Rule 27 of the Code, issue notice to Respondents, returnable on **19 August 2024.**

2 In addition to Court notice, Petitioners are permitted to serve the Respondents by private service and file Affidvit-of-service before the next date of hearing.

(SANDEEP V. MARNE, J.)

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KATKAM

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