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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10817 OF 2024

Sangeeta Balu Chormale and Ors.

.. Petitioners

Versus

Rama alias Rambhau Kondiba and Ors.

.. Respondents

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- Mr. Shriram Kulkarni a/w. Mr. Gaurav Ugale, Advocate for Petitioners.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 09, 2024.

P.C.:

- 1.** Heard Mr. Kulkarni, learned Advocate for Petitioners.
- 2.** Mr. Kulkarni, learned Advocate would submit that the order dated 19.04.2024 stands complied with. Respondents have been served. None appears for them when the matter is listed and called out.
- 3.** In the present Writ Petition, Regular Civil Suit is pending since 2013, hence hearing of the Writ Petition cannot be protracted any further.
- 4.** As delineated and observed by this Court in the order dated 19.04.2024, it is seen that the impugned order dated 12.03.2024 virtually offers no reasons for rejecting the Application. Such an order *prima facie* on the face of record deserves to be rejected. Be that as it may, what is of substance that is required to be seen and considered is the Application filed by Plaintiffs below Exhibit “83”. It is seen that by

virtue of the said Application, Plaintiffs desire to bring on record specific dates and events, *inter alia*, which are all subsequent to filing of the Suit proceedings and the date of the Application.

5. One of the reasons as to why such Application needs to be allowed is in order to avoid multiplicity of proceedings. It is seen that the trial has not yet commenced and only issues have been framed. In the present case, as informed by Mr. Kulkarni, the directions contained in paragraph No.9 of the order dated 19.04.2024 stands complied.

6. Application ought to have been allowed in the interest of justice, as also to ensure that all disputes concerning the Suit property are dealt with in the same Suit proceedings itself.

7. Mr. Kulkarni has taken me through the proposed amendment which is required to be brought on record by Plaintiffs at page No.140 of the Writ Petition. He has taken me through the said amendment from paragraph Nos.5A and 8A onwards from page Nos.140 to 144 of the Writ Petition. I have perused the same. After reading the same, it is clearly seen that each of the specific event, *inter alia*, is in between the two aforesaid dates as delineated herein above. The above amendment is proposed by the Plaintiffs subsequent to the execution of the registered Sale Deeds in favour of the third party as delineated therein. I see no reason as to why the said amendment which is clearly of a subsequent date after filing of the Suit should not be allowed as sought for.

8. In view of the above observations and findings, impugned order dated 12.03.2024 is clearly unsustainable and is quashed and set aside. Resultantly, Application filed by the Plaintiffs below Exhibit “83” in Regular Civil Suit No.1297 of 2013 is allowed.

9. Plaintiffs are permitted to carry out the necessary amendment in the Suit proceedings within a period of two weeks from today before the Trial Court. Learned Trial Court is directed to permit the Plaintiffs to do so. Copy of the amended Suit plaint shall be served on the Defendants.

10. Once the aforesaid exercise is done, Defendants shall be permitted to file their additional written statement. Once the written statement is filed before the Trial Court, learned Trial Court is directed by this Court to frame additional issues on the basis of the above order after hearing both sides. Learned Trial Court shall follow the due process of law regarding service since subsequent purchasers will be the newly impleaded Defendants by the Plaintiffs.

11. All contentions of the parties are expressly kept open. Suit shall be proceeded strictly in accordance with law.

12. With the above directions, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]