



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 17251 OF 2024

Sanjay Ramchandra Khandait
and Ors.

...Petitioners

vs.

Gorakh Ramchandra Khandait
and Ors.

...Respondents

Mr. Ajit J. Kenjale a/w Mr. Kaustubh K. Kandpile	Advocate for the Petitioners
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CORAM : S. M. MODAK, J.

DATE : 04th DECEMBER 2024

P.C. :-

1. Heard learned Advocate Shri Kenjale for the Petitioners/Plaintiffs.
2. Their suit for partition was decreed. It is challenged by the Defendants before the Appellate Court and the Regular Civil Appeal No. 81 of 2012 is pending before the Court of the District Judge-2 at Karad.
3. **During pendency of the appeal, the Appellants therein/original defendants moved two applications:-**

(i) for amendment of the Written Statement.

(ii) for adducing additional evidence.

4. The Appellate Court as per two orders of the same date 04.09.2024 allowed the prayer of the Appellants therein. These orders are under challenge.

5. According to learned Advocate for Petitioners, there is serious non-compliance of the provisions of law and the procedure.

6. This Court with this submission, when writ petition will be heard. Now the appeal is fixed for filing arguments on 17.12.2024.

7. Issue notice before admission returnable on 03rd February 2025.

8. In view of the pendency of the Petition, the Petitioner is at liberty to seek adjournment from the Appellate Court and Appellate Court to grant him positively.

9. Matter be kept on **03rd February 2025.**

[S. M. MODAK, J.]