



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2449 OF 2024

(Narendra s/o Nirmalkumar Jain and one .vs. Shrikrishna s/o Prafulla Buty)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. J.M. Gandhi, Advocate for Petitioners,
Mr. C.S. Samudra, Advocate for Respondent.

CORAM : N.R. BORKAR, J.
DATE : 13/08/2024.

. This petition takes exception to the order dated 22-03-2024 passed by the Small Causes Court, Nagpur below Exh.81 in Regular Civil Suit No.274/2015.

2. The respondent herein has filed the suit for eviction and possession against the present petitioners on the ground of bonafide need. By the order impugned, the trial Court has rejected the application filed by the petitioners for amendment of written statement.

3. The learned counsel for the petitioners has drawn my attention to the order passed by this court dated 5-6-2023 in Writ Petition Nos.2529/2021 and 2310/2021. The Writ Petition No.2529/2021 was filed by the present petitioners against the judgment and decree passed by the trial court and

confirmed by the appellate court in another suit between the parties to this petition. In the said suit at the appellate stage, similar application was filed by the petitioners for amendment of written statement. The application was rejected and appeal was dismissed. The judgment of the appellate court was challenged before this court in said Writ Petition No.2529/2021. This court remanded the matter back to the appellate court and then the applications for amendment are allowed.

4. In view of the order passed by this Court dated 05-06-2023 in Writ Petition No.2529/2021, the trial Court ought to have allowed the application filed by the present petitioners for amendment of the written statement. The order impugned, therefore, cannot be allowed to stand. The order impugned is set aside. The Trial Court shall permit the petitioners to carry out the amendment in a written statement in terms of application at Exh.81. Considering the fact that the suit is of the year 2015 and that too on the ground of bonafide need, the trial Court shall endeavour to decide the suit within a period of six months from the date of receipt of copy of this order.

5. The petition stands disposed of accordingly.

(N.R. BORKAR, J.)