

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.17183 OF 2024**

1. Gangadharrao Madhavrao Patwardhan,
Age: 77, Occ: Business,
R/a: 1181 Miraj House, Furguson College Road,
Dnyanenshwar Paduka Chowk, Opp. Hotel Lalit Mahal,
Shivajinagar Pune-411005.
2. Ganpatrao Madhavrao Patwardhan,
Age: 73, Occ: Business,
R/a: 1181 Miraj House, Furguson College Road,
Dnyanenshwar Paduka Chowk, Opp. Hotel Lalit Mahal,
Shivajinagar Pune-411005. ..Petitioners

Versus

1. Parekhs Medisales Private Limited
Registered Company under Companies Act, 1956
By and through the directors
Shri Mahesh Manubhai Parekh
Age: 43 years, Occ: Business,
R/a: "Nirmala" Parekh Medical Stores
Building, ST Stand Road,
RK Extension, Sangli.
2. Shri Mahesh Manubhai Parekh,
Age: 43 yers, Occ: Business,
R/a: "Nirmala" Parekh Medical Stores
Building, ST Stand Road,
RK Extension, Sangli. ..Respondents

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Mr. Chaitanya Nikte i/by Mr. Prajit S. Sahane, Advocate for Petitioners.
Mr. Ashotosh Kulkarni a/w Mr. Sarthak Diwan, Advocate for Respondent.

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CORAM : S. G. CHAPALGAONKAR, J.

**RESERVED ON : 25th SEPTEMBER, 2025.
PRONOUNCED ON : 30th SEPTEMBER, 2025.**

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at admission stage.

2. The petitioners impugn order dated 21.08.2024 passed below Exhibit-256 in Special Civil Suit No.195/1999 by learned Joint Civil Judge Senior Division, Sangli, whereby application Exhibit-256 filed by petitioners/defendants for setting aside “no additional written statement order” dated 2011.2023 has been rejected.

3. The respondents instituted Special Civil Suit No.195/1999 before learned Civil Judge Senior Division, Sangli for declaration, possession and injunction. The petitioners filed their written statement. The issues were framed, both parties laid their evidence and argued matter finally. At this stage, respondents filed an application below Exhibit-226 seeking amendment in plaint. The learned Trial Court allowed application and permitted amendment in plaint. The petitioners challenged said order in Writ Petition No.10059/2024 before this Court. However, since there was no interim relief, plaintiff amended plaint, but petitioners could not file additional written statement within time. In this background, on 20.11.2023, Trial Court passed order of “no additional written statement” against petitioners.

4. Today this Court rejected Writ Petition No.10059/2024 filed by petitioners raising challenge to order permitting amendment in plaint. However, during course of hearing, learned Advocate appearing for respondents/plaintiff fairly concedes that petitioners would be entitled to file additional written statement and also recall plaintiff's witnesses for cross-examination, if so advised.

5. In light of aforesaid developments, it would be appropriate in the interest of justice that petitioners get sufficient opportunity to put up their defence, particularly against additional pleading incorporated by way of amendment granted vide Exhibit-226. Hence, following order:

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 21.08.2024 passed below Exhibit-256 in Special Civil Suit No.195/1999 by learned Joint Civil Judge Senior Division, Sangli, is hereby quashed and set aside.
- c. The petitioners' application Exhibit-256 is allowed. They are permitted to file additional written statement within a period of six weeks from today.
- d. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE