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

CIVIL APPLICATION (W) NO. 2953/2024

IN

WRIT PETITION NO. 5113/2014

Sunil Mahajan

...VERSUS...

Sudhir Malode

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.M. Sharma, Advocate for the Applicant/Petitioner(s)

Shri G.S. Singh, Adv h/f Shri S.P. Bhandarkar, Adv for the Respondent No. 1

Shri S.C. Joshi, AGP for the Respondent/State

CORAM :- M.S. JAWALKAR, J.
JANUARY 28, 2025

(1) Leave to correct the proposed amendment at Paragraph No. 10 is granted.

(2) The present Application is filed by the Petitioner to bring on record the subsequent events. It is contended that it is one of the defence raised by the Defendant in the Suit filed by the Petitioner for eviction that there was oral agreement for purchase of the suit property and the Defendant has paid the amount of Rs. 70,000/- as shown in Paragraph No. 9 of the written statement. It is further submitted that the suit filed by the Defendant for specific performance of contract against the Petitioner came to be dismissed, however, the said judgment is challenged by the Defendant in Regular

Civil Appeal No. 34/2012 which came to be allowed. The said judgment is challenged by the Petitioner in Second Appeal before this Court and the same is allowed holding that the execution of the Agreement to Sell is not proved.

(3) The Application is opposed by the learned Counsel for the Respondent No. 1.

(4) It is settled law that all the amendments which are necessary to determine the real issue in the controversy needs to be allowed. As such, the Application is **allowed**. Permission as prayed for is granted. Necessary amendment to be carried out within a period of one week from today.

(5) The Application stands **disposed of**.

(M.S. JAWALKAR, J.)