



:: ORDER BELOW EXH.66 ::

01. The application is submitted by the applicant Kusum with a contention that, on 27/01/2023 an application was filed below Exh.50 under Order 1 Rule 10 of the Code of Civil Procedure, 1908 by Ramakant Shelke and Kamalbai Shelke. It was allowed and a writ petition was presented before the Hon'ble Bombay High Court. As the writ petition was filed, the applicant did not carry out the amendment to implead Ramakant and Kamalbai in the petition. A delay is bonafide and therefore, it is contended that, she may be permitted to amend the petition.

02. Say is filed by Ramakant and Kamalbai with a contention that, the delay is deliberate and it is not unintentional. The reason is not justifiable and therefore, the application may be rejected.

03. Ld. Advocate for the applicant Kusum submitted written synopsis of argument and contended that, an application was filed below Exh.62 by her to stay the proceeding in this matter as the writ petition was pending before the Hon'ble High Court. That application was rejected. The applicant was unaware about the legal notions that, the order has to be complied with. She is ready to carry out the amendment and therefore, she may be permitted to amend the petition.

04. Per contra, Ld. Advocate for the objection petition submitted that, the reason is not genuine. From the perusal of record it is seen that, the application Exh.50 was filed by the objection petitioners to implead them in the application and it was allowed on 17/01/2023. For the best

reasons known to the applicant, she did not carry out the amendment as was directed and even did not succeed in getting the orders from the Hon'ble Bombay High Court in the writ petition filed challenging the order below exh.50. As much as two years and 11 months passed since passing of the order Exh.50. The applicant had filed an application below Exh.62 to stay the order. Her request was considered and an option was given to her to seek the stay order from the Hon'ble High Court. She failed to get any order and so that application was rejected on 12/11/2025. Thereafter, immediately present application is filed.

05. The applicant could have obtained immediate relief from the Hon'ble High Court, but she kept mum for almost three years. This is negligence. Filing a petition before the Hon'ble High Court is the right of the party, but just filing a matter does not suffices a purpose. Some effective order is required. That is not obtained. So, the negligence caused to appear before the Hon'ble High court to seek the order within time has to be compensated to the non applicant. Hence, the application is allowed subject to costs of Rs.2,000/- to be paid to the objection petitioner. The applicant should pay the amount of costs within 7 days from today, failing which the order shall lose its effect and further permission shall not be given to pay the costs after the expiry of 7 days.

Sd/-

{ **S.N.Sarde** }

Civil Judge Senior Division,

A h m e d p u r.

Date : 18/02/2026.