

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SATISH
RAMCHANDRA
SANGAR

WRIT PETITION NO.17878 OF 2024

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2025.01.02
12:07:02 +0530

Mahesh Kantilal Bhayani ...Petitioner

V/s.

Pratik Builders and Ors. ...Respondents

Mr.A.R.Gole:-	Advocate for Petitioner.
Mr.Nitin Gangal a/w Ms.Pruna Shukla i/b.Mr.Prabhavatsan Balan:-	Advocates for Respondent Nos.1 to 4.

CORAM : S. M. MODAK, J.

DATE : 9th DECEMBER 2024

P. C. :-

1. Heard learned Advocate Shri.Gole for the Petitioner–Defendant No.1 and learned Advocate Shri.Gangal for Respondent Nos.1 to 4–Plaintiffs.
2. He has appeared on the basis of notice given of this Petition today itself at 2.30 p.m.
3. He undertakes to file Vakalatnama. He has already filed a Caveat. The trial Court has allowed the amendment in the Written Statement.

However, this Petitioner has not carried out the amendment in time. The trial Court, later on, refused to permit the Petitioner–Defendant No.1 to carry out that amendment. He applied for recalling of the order dated 23rd November 2024. It was rejected as per the order dated 2nd December 2024 passed by the Second Joint Civil Judge Senior Division–Thane (Page No.83). It is under challenge.

4. However, Mr.Gangal submitted that the order allowing the amendment is going to be challenged by the Plaintiffs–Respondent Nos.1 to 4 and his clients are going to file a Writ Petition in coming days. He requested for hearing of both the Petitions together. He is right.

5. The suit is of the year 1992 and the trial Court is giving short dates. He is also right. Now, it is fixed tomorrow for cross-examination of this Petitioner by the Plaintiffs. It is submitted by Mr.Gole that in fact, his Affidavit of examination-in-chief also contains the amended portion. It is true that both the Petitions need to be heard prior to the recording of evidence will start. In view of that, both are at liberty to request the trial Court to give an adjournment in view of the circumstances. The trial Court to consider it positively.

6. In view of that, stand over to **6th January 2025.**

7. The Petition to be filed on behalf of the Plaintiffs be listed on 6th January 2025 only. The necessary *praecipe* be moved for circulation.

[S. M. MODAK, J.]