

ITEM NO.13

Court 5 (Video Conferencing)

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.4406/2021

(Arising out of impugned final judgment and order dated 13-01-2021 in WP No.6325/2020 passed by the High Court of Judicature at Bombay at Aurangabad)

VASANTRAO RANGRAO INGALE (DIED) THR. HIS L.RS.

Petitioner(s)

VERSUS

DEORAO BAJIRAO THORAT (DIED) THR. HIS L.RS. & ANR.

Respondent(s)

(With appln.(s) for I.R. and IA No.38130/2021-EXEMPTION FROM FILING O.T. and IA No.38131/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 22-03-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Dr. R. R. Deshpande, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 Mr R R Deshpande, learned counsel appearing on behalf of the petitioner submits that the High Court while exercising its jurisdiction under Article 227 of the Constitution has allowed an application for amendment of a plaint under Order 6 Rule 17 of the Code of Civil Procedure after a lapse of forty-five years. Moreover, it has been submitted that the suit had been unconditionally withdrawn against the fourth defendant who was a party to

the earlier suit of 1964 on the basis of which the amendment was proposed.

- 2 Issue notice, returnable in twelve weeks.
- 3 Counter affidavit shall be filed within a period of six weeks from the date of service of the notice.
- 4 Till the next date of listing, there shall be a stay of the operation of the impugned judgment and order of the High Court dated 13 January 2021 allowing the application for amendment.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master