



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

19 WRIT PETITION NO.30/2004
WITH
INTERIM APPLICATION NO.4709/2026
IN
WRIT PETITION NO.30/2004

SHRI. DILIPKUMAR PRANJEEVAN THAKKAR ..PETITIONER
VS
SMT. KASHIBEN NANALAL THAKKAR and ORS. ..RESPONDENTS

Adv. D. Mhaispurkar a/w. Adv. Rishikesh Pawaskar for
petitioner/applicant in IA.

CORAM : RAJESH S. PATIL, J.

DATE : 10 JULY 2026.

P.C. :

1) Mr.Mhaispurkar submits that this petition was filed by the landlord, who had filed eviction suit on the ground of *bonafide* requirement and sublettee as the premises was further subletted by the tenant an application was moved to amend the plaint by adding the new sublettee as a party to the plaint, along with consequential amendments. He submits that amendment application was allowed. However, only the cause title of the plaint was amended, and the consequential paragraphs were not added in the plaint. Subsequently, the suit was dismissed by the trial Court. Being dissatisfied with the

dismissal of the suit, regular civil appeal was preferred. So also, an application for amendment of plaint was preferred. The said application for amendment was rejected. The appeal is still pending before the appellate Court. The present writ petition challenges the rejection of amendment application.

2) Rule has been issued in the writ petition and the stay has been granted to the proceedings of appeal. In the meanwhile, the petitioner died. Hence, this application to bring on record the legal heirs of sole petitioner.

3) I have heard Mr.Mhaispurkar and I have gone through the contents of the interim application. A case is made to allow this interim application.

4) Interim application stands **allowed** in terms of prayer clauses (a), (b) and (c).

5) Amendment to be carried out within a period of two weeks from today.

(Rajesh S. Patil, J.)