

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2848 OF 2015

M/s. Empire Buildcon and ors. .. Petitioners  
vs.  
Vikas Babulal Khandelwal & ors. .. Respondents

Ms Deepa Ahuja alongwith Ms Falguni Thakkar for the Petitioners.

**CORAM : M. S. SONAK, J.**  
**DATE : 19 MARCH, 2015.**

**P.C. :-**

- 1] Not on board. Upon production, taken on board.
- 2] This petition questions the order dated 13 February 2015, by which the learned Civil Judge, Senior Division, Thane has permitted respondent No.1-plaintiff to amend the plaint, *inter alia*, by adding defendant No.17 Empire Cooperative Housing Society Limited as one of the parties. The suit is yet to reach upto the stage of trial. The considerations with regard to application for amendment moved before the commencement of the trial are different.
- 3] The plaintiff is the *dominus litus*. Admittedly, the property in question has been transferred by virtue of Tripartite Agreement dated 18 October 2007. At this stage, it is not necessary to advert to

the contentions of the parties on merits of the suit. Learned Civil Judge has held that the proposed amendment is very much necessary for final adjudication of the matter on merits and to settle all questions involved in the suit as well as the real controversy between the parties.

4] There is no jurisdictional error or perversity in making of the impugned order. Accordingly, the present petition is dismissed. There shall be no order as to costs.

**(M. S. SONAK, J.)**

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