

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10963 OF 2014

Omniscan Microsystem Pvt. Ltd. and ors. .. Petitioners

vs.

Dr.Mr. Sharad H. Jadhav and ors. .. Respondents

Mr. Jayesh M. Joshi for the Petitioners.

CORAM : M. S. SONAK, J.

DATE : 07 JULY 2016.

P.C. :-

- 1] Heard learned counsel for the petitioners.
- 2] The challenge in this petition is to the order dated 14 August 2014, by which the Civil Judge, Senior Division, at Thane (Trial Court) has permitted the respondents herein (original plaintiffs) to amend the plaint and thereafter, to also pay requisite court fee on the amended relief.
- 3] In the plaint, as originally instituted, the plaintiffs had sought for compensation/damages of Rs.10 Lacs. This amount, as of now been enhanced to Rs.1 Crore 90 Lacs. The amendment neither changes the basic structure of the suit nor can it be said that such amendment was not necessary for determining real controversy between the parties. Besides, the mere circumstance that such

amendment has been permitted, does not mean and imply the relief prayed for, by amending the plaint has been granted. The petitioners will have every opportunity to contest the matter, including *inter alia* on the aspect of quantum of compensation. There is no jurisdictional error in the making of impugned order, particularly, considering the nature of the amendment.

4] Upon the respondents carrying out the amendment and serving copy of the amended plaint to the petitioners, the petitioners are granted four weeks time to file written statement to the amended plaint.

5] Accordingly, the present petition is dismissed. The interim relief is vacated. There shall, however, be no order as to costs.

(M. S. SONAK, J.)