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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 371 OF 2016

Smt. Veena Vithaldas Sampat and Ors. ... Petitioners.
V/s.
Dipak Development Corporation and Ors. ... Respondents.

Mr. Madhav Jamdar for the Petitioners.
Mr. Nishant Sashidharan i/b. S.S. Redekar for Respondent 1.
Mr. Kapir Gor for Respondent 20.

CORAM : N.M. Jamdar, J.

26 September, 2016.

Oral Order :-

The Petitioners challenge the order passed by the learned City Civil Court, Mumbai dated 22 July 2014 allowing the Chamber Summons taken out by the Respondents – Plaintiffs for amendment of the plaint.

2. The learned Counsel for the Petitioners submitted that the events which have been narrated in the amendment are not subsequent events and a relief is sought against the Petitioners at a belated stage which will prejudice the Petitioners. The learned Counsel for Respondent No.20 also sought to advance contentions regarding the legality of the impugned order. The learned Counsel

for the Respondents – Plaintiffs submitted that the Petitioners are not prejudiced as the Petitioners are not the proposed Defendants to be added.

3. It is not necessary to enter into the merits of the amended portion as the parties will have their rights open as regard the amendment. As per the Respondents – Plaintiffs, the Respondents – Plaintiffs came to know about the events in the year 2010. The learned City Civil Court Judge, considering the stage of the Suit, has permitted the amendment. The Code of Civil Procedure has not provided any Appeal or Revision against such interlocutory orders and the interference under Article 227 of the Constitution is extremely limited.

4. As regard the contention of the Petitioners that relief is sought at a belated stage and that the Respondents – Plaintiffs are not entitled to any relief as sought for in the amendment is concerned, the same is on merits of the dispute between the parties and the Petitioners can always agitate the said ground wherever any relief, final or interlocutory, is sought by the Respondents – Plaintiffs to be considered on its own merits. Keeping all contentions of the parties as regard the amended portion on merits open, the Writ Petition is disposed of.

(N.M. Jamdar, J.)