

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 9215 OF 2014**

|                               |                |
|-------------------------------|----------------|
| Imran Lokhandwala             | ...Petitioner  |
| <i>Versus</i>                 |                |
| Dalal Hoshang Mancherji & Ors | ...Respondents |

---

**Mr S Shamim, i/b Shamim & Co, for the Petitioner.**

---

**CORAM: G.S. PATEL, J  
DATED: 29th November 2017**

**PC:-**

1. Heard.
  
2. The writ petition is dismissed as withdrawn with a clarification that the petitioner is entitled to lead evidence about his having filed and withdrawn a previous writ petition as also this writ petition.
  
3. By way of clarification: while it is true that no amount of evidence can either make up for, or be allowed in without, a sufficient pleading, it is equally true that it is never necessary for any party to plead the evidence itself. If the pleading is sufficient, it is open to a party to lead evidence of every description in accordance

with law in support of that pleading. A pleading is a statement of the essential facts, not the evidence in support of those facts.

4. There is thus no call for any interference with the impugned order declining an amendment.

5. The writ petition is dismissed. No costs.

**(G. S. PATEL, J)**