

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 8756 OF 2014

Sudhakar Devram Vise  
(Deceased through Lrs. and ors.) .. Petitioners  
vs.  
Prabhakar D. Vise and ors. .. Respondents

Mr. S.M. Kamble for the Petitioners.  
Ms D. Jain I/b M/s. C.K. Legal for Respondent No.1.  
Mr. M.M. Sathaye for Respondent Nos.2-1 to 2-5, 3-1 and 3-2.

**CORAM : M. S. SONAK, J.**  
**DATE : 12 APRIL 2019.**

**P.C. :-**

1] Mr. Suresh Kamble, learned counsel for the petitioners points out that after the impugned order was made, the petitioners-plaintiffs applied for leave to amend the plaint to bring on record several relevant and important circumstances as well as documents. He submits that learned Trial Judge has already granted leave to amend the plaint.

2] Mr. Kamble submits that in view of the amended plaint, the observations in the impugned order, particularly, in the impugned order of the Appeal Court that there was lack of pleadings or that pleading were vague will not apply. He therefore submits that the petitioners' application for

injunction is liable to be considered by this Court on the basis of amended pleadings in the plaint.

3] Mr. Sathaye, learned counsel for the respondent Nos.2(1) to 2(5), 3(1) and 3(2), points out that it will not be appropriate that the amended pleadings are considered for the first time in this Court. He points out that he is unaware as to whether additional written statement has been filed by respondents in pursuance of the amended pleadings.

4] In the peculiar circumstances above presented, the interests of justice will be met if this petition is disposed of with liberty to the petitioners to file a fresh application for interim reliefs based *iner alia* on the amended plaint. If such application is indeed filed by the petitioners, then learned Trial Judge is directed to consider and dispose of such application, on its own merits and in accordance with law.

5] With liberty as aforesaid, this petition is disposed of.

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