

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

WRIT PETITION NO.6908 OF 2022

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Marigold Premises Pvt. Ltd.

..... Petitioner

Vs.

Marigold Phase III Co-operative Hsg.
Soc. Ltd. and Ors.

....Respondents

...

Mr. Girish Godbole, Senior Counsel, Mr. Vaibhav Sugdare with Mr. Sourasubha Ghosh, Mr. Samarth Chowdhary and Ms. Sanaya Patel i/by M/s. IndusLaw for the Petitioner.

Mr. Atul Daga with Dhanashree Gaikawaiwari and Ayaz Bilawala i/by Bilawala and Co. for the Respondent No.1.

Mr. Shon D. Gadgil with Ms. Adwaita Bhagwat and Mr. Murtuza Chherawala i/by M/s. CNS Juris for Repsondent Nos.2 and 3.

**CORAM: SANDEEP K. SHINDE, J.
RESERVED ON :AUGUST 29, 2022
PRONOUNCED ON: SEPTEMBER 7, 2022**

P.C.

1. Heard Mr. Godbole, learned Senior Counsel for the Petitioner, Mr. Atul Daga, learned counsel for the Respondent No.1 and Mr. Shon D. Gadgil, learned counsel for the Respondent Nos.2 and 3.

2. This Petition takes exception to the order dated 14th February, 2022 by which the learned Joint Civil Judge, Senior Division, Pune permitted Plaintiff to carry out the proposed

amendment and file amended plaint in the Special Civil Suit No.223 of 2018. Having heard learned counsel for the Parties, I am constrained to set aside the impugned order and remand the case to the 5th Joint Civil Judge, Senior Division, Pune for deciding Plaintiff's application below Exhibit 47 afresh on merits in accordance with law. The need to remand the case has occasioned because from perusal of the impugned order, I find although the impugned order is running in eleven paragraphs, except a few lines in paragraph 10, remaining paragraphs contain the re-production of averments in application moved by the plaintiff, reply filed by the defendants and the rulings referred to by the parties. Therefore, it is an unreasoned order. In the case of **State of Maharashtra v. Vithal Raut 1981(4)SCC 129**, it was held that every judicial order or quasi-judicial order passed by the Court concerned, which decide the lis between the parties must be supported by the reason in support of its conclusion. Parties to the lis are entitled to know as to on which basis particular conclusion is arrived at in the order. In the absence of any discussions, reasons and the findings on the submissions urged, it is not possible to know as to what led the Court for reaching such conclusion. The order impugned in this Writ Petition suffers from aforesaid error because the learned

Judge has not stated the reasons for the decision in the impugned order. Therefore, the order is not legal, sustainable and hence, deserves to be set aside. The Petition is allowed. Impugned order is set aside. The learned trial Court shall decide the application below Exhibit 47 moved by the plaintiff in Special Civil Suit No.223 of 2018 afresh on its own merits and in accordance with law. The learned Judge shall endeavour to decide the application preferably within a month from communication of this order. Petition is allowed and disposed of in the aforesaid terms.

(SANDEEP K. SHINDE J.)