

SA Pathan

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

WRIT PETITION NO.10094 OF 2022

Rajanikant Pandurang Mayekar	... Petitioner
V/s.	
Prakash Nyandev Kamble & Ors	... Respondents

Mr. Manish N Jain a/w Mr. Prasad D. Mundhe i/by S M Jain Associates, for petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 17, 2023

P.C.:

1. The petitioner/original plaintiff is challenging order dated 4 July 2022 passed by the Trial Court allowing application to amend written statement.
2. According to petitioner, the facts prompted respondents to file application for amendment are no longer true as appeal against order of cancellation of share certificate has been set aside by the Appellate Authority.
3. It is well settled that at the time of consideration of application for amendment, the merits of amendment need not be gone in.
4. Merely, because in appeal, order of cancellation of share

certificate is set aside does not mean that the facts are no longer in existence. The order of Appellate Authority is subject to revision application and thereafter writ petition; therefore, no finality is attached to such events. Hence, on this ground the petitioner's challenge cannot be entertained. Except this ground, no other ground has argued; hence, the writ petition stands disposed of.

5. Considering order dated 3 April 2019 in Writ Petition No.3948 of 2019, the Trial Court shall comply with the said clause of the order.

(AMIT BORKAR, J.)