

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
INTERIM APPLICATION NO. 967 OF 2023  
IN  
COMMERCIAL SUIT NO. 32 OF 2019**

Divine Developers ... Applicant/Plaintiff  
vs.  
Kamla Landmarc Real Estate Holding  
Private Limited and others ... Respondents/Defendants

Mr. Bhavin Gada a/w. Ms. Bhavini Chheda, i/by. Harakhchand & Co. for applicant/plaintiff.

Ms. Clarissa Miranda, i/by. Vikrant Narkar for respondent/defendant No.8.

Rochelle Fiona Fernandes, i/by. Mhatre Law Associates for respondent/defendant No.9.

Ms. Devanshi N. Bafna, i/by. S. K. Legal and Associates for respondent/defendant No.13.

**CORAM : MANISH PITALE, J**

**DATE : 6<sup>th</sup> JUNE, 2023**

**P.C. :**

. By this application, the applicant/plaintiff is seeking amendment to the plaint, whereby the plaintiff seeks to add certain pleadings and also, to amend the prayer clause to make additional prayers.

2. Admittedly, this application is moved at pre-trial stage. The learned counsel for the applicant/plaintiff has invited attention of this Court to the contents of the application, particularly paragraph No.9 onwards to state that the pleadings sought to be added by way of amendment, pertain to information received by the plaintiff only in April, 2022. It is stated that the

partner of the plaintiff was constrained to move an application under Right to Information Act, 2005 before the concerned officer of MHADA on 08.04.2022, on becoming aware of the fact that the plans in respect of proposed building moved by defendant No.9 were already approved in June, 2017.

3. It is further stated in the application as to the responses received from MHADA in connection with the application submitted by the partner of the plaintiff-firm.

4. On the basis of such information received in April, 2022, the plaintiff is seeking amendment of the plaint to add pleadings as stated in the schedule and also to add additional prayers, particularly against defendant No.9.

5. This Court is satisfied that the amendments sought on behalf of the plaintiff, do not change the nature of the suit and, in fact, raise additional pleadings in furtherance of the reliefs sought in the suit. The pleadings sought to be added by way of amendment would justify the additional prayers sought to be raised in the suit on behalf of the plaintiff.

6. The learned counsel for the defendants could not demonstrate as to why such a pre-trial application ought not to be granted.

7. This Court is satisfied that sufficient cause is made out by the plaintiff to seek amendment of the plaint, as per the schedule attached to the application.

8. Accordingly, the application is allowed. The plaintiff is permitted to amend the plaint as per the schedule attached to the application. Amendment be carried out within three weeks from today.
9. The plaintiff shall serve the amended pleadings on the defendants within three weeks of carrying out such amendment.
10. Application stands disposed of.

**(MANISH PITALE, J)**

*Priya Kambli*