

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1368 OF 2024

Crystal Developers

.. Petitioner

Versus

Shabrez Haji Noor Mohammed Qureshi & Ors.

.. Respondents

.....

- Mr. Naushad Engineer a/w Mr. Umair A. Ansari for Petitioner
- Mr. A.Y. Sakhare, Senior Advocate i/by Mr. Yadnesh R. Aher for Respondent Nos. 1 & 2
- Mr. Vachan Bodke a/w Mr. Vaibhav Gaikwad & Mr. Akash Sujjan for Respondent Nos. 5 to 8
- Ms. Pallavi Desai for Respondent Nos. 14, 15, 16, 18 & 20

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2024

P. C.:

1. Heard Mr. Engineer, learned Advocate for Petitioner; Mr. Sakhare, learned Senior Advocate for Respondent Nos. 1 and 2; Mr. Bodke, learned Advocate for Respondent Nos. 5 to 8 and Ms. Desai, learned Advocate for Respondent Nos. 14, 15, 16, 18 & 20.

2. Though this Writ Petition was argued substantially on the previous date, today all learned Advocates and more specifically Mr. Sakhare, learned Senior Advocate would submit that in view of the subsequent Application seeking amendment to the Suit plaint having been filed by the original Plaintiffs and reference being made to the present Defendant who is the Applicant in Chamber Summons No. 965/2023, without prejudice to the rights and contentions of the

parties, this Court be pleased to set aside the order dated 01.12.2023 and allow Chamber Summons No. 965/2023.

3. Without expressing any opinion on merits or delineating anything on merits of the matter, the order dated 01.12.2023 stands quashed and set aside. Resultantly Chamber Summons No. 965/2023 stands allowed. Without wasting much time further, learned Trial Court shall allow the Plaintiffs to carry out amendment in the Suit plaint in L.C. Suit No. 189 of 2021 within a period of two weeks from today. Re-verification stands dispensed with. Copy of the amended Suit plaint shall be served on Defendants including newly added Defendant.

4. L.C. Suit No. 189 of 2021 shall proceed on its own merits before the learned Trial Court strictly in accordance with law.

5. With the above direction, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

Amberkar

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2024.04.01
18:38:47 +0530