

Vinaa Khadpe  
(P.S.)

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

**CIVIL REVISION APPLICATION NO.751 OF 2023**

M/s. Saiprasad Enterprises

.. Applicant

**Versus**

Sadhana Vilas Mhatre and ors

.. Respondents

- .....
- Mr. Parag M. Tilak for the Applicant.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : JANUARY 9, 2024**

**P.C.:**

- 1.** Not on Board. Mentioned. Taken on Board.
- 2.** This Civil Revision Application takes exception to the handwritten order dated 25 July 2023 which is at page 92 to the Application. By virtue of this order, the presiding officer revoked the order dated 21 March 2023 passed by the erstwhile presiding officer allowing impleadment of Respondent No.4 – CIDCO as also allowing amendment to the plaint filed by the plaintiff under Order VI Rule 17 r/w Order 1 Rule 10 of the Civil Procedure Code, 1908. That order dated 21 March 2023 is at exhibit D – page 90 to the Civil Revision Application. I have perused the said order. It is a detailed and reasoned order allowing order below Application at exhibit 77.
- 3.** Mr. Tilak, learned Advocate appearing for the Applicant has drawn my attention to the grounds enumerated in the Civil Revision Application at paragraph no.5 to page No. 11 of the Application.

**4.** I have perused the said grounds. For the reasons mentioned in the Civil Revision Application, an arguable case has been made out by Mr. Tilak for allowing Civil Revision Application. I am inclined to therefore accept the reasons mentioned by the Applicant and allow Civil Revision Application in the interest of justice. The reasons impugned in the order dated 21 March 2023 have also been considered by me. It is seen that Defendant No.4 – CIDCO is a proper and necessary party to the suit proceedings. In that view of the matter, the hand written order dated 25 July 2023 quashed and set aside. Order dated 21 March 2023 is sustained and upheld.

**5.** Learned trial Court is directed to allow the plaintiff to carry out the amendment as granted by order dated 21 March 2023 passed below exhibit 77 on production of an authenticated copy of this order.

**6.** With the above directions, Civil Revision Application is allowed subject to payment of costs of Rs.5000/- to the Kirtikar Law Library, High Court of Bombay which shall be deposited within two weeks from today.

**7.** With the above directions, Civil Revision Application is allowed.

[ MILIND N. JADHAV, J. ]

Vinaa Khadpe

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signed by  
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KHADPE  
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