

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

Writ Petition No. 7458 of 2024

Bharat Atmaram Gowari and others ... Petitioners
V/s.
Riddhi Siddhi Builders & others ... Respondents.

Mr. B.G. Tangsali	Advocate for the Petitioners
Mr. Amardev Uniyal	Advocate for Respondent No.1.

CORAM : S.M. MODAK, J

DATE : 13 November 2024.

P.C. :

The matter is taken on Board by way of a praecipe in view of the urgency quoted by the petitioner. He is the plaintiff. Copy of the order-sheet produced alongwith praecipe mentions that the suit was fixed for dismissal on 11 November 2024. Now it is kept tomorrow i.e. 14 November 2024.

2. In this petition, the plaintiff-petitioner had challenged the order passed by the trial Court of rejecting the amendment in the plaint. It pertains to addition of defendant Nos.3 and 4 and necessary averments and the relief clause. It is submitted that there is also an application pending before the trial Court filed by the Society in which the flat of the plaintiff is situated. Yet, that application has to be decided. On hearing the submission, I do not find any

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justifiable reason for dismissal of the suit. If there are pending applications, it is for the plaintiff to assist the Court by arguing those applications.

3. **Let the plaintiff to co-operate the Court in hearing those applications.** If the plaintiff is ready, the trial Court need not dismiss the suit and decide those applications on its merits.

4. Let this matter be kept on **4 December 2024.**

(S.M. MODAK, J.)