

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

WRIT PETITION NO.9550 OF 2024

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.10990 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.16334 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.16355 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.16317 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.9549 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.9552 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION (STAMP) NO.27077 OF 2023**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.10991 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.10992 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.10989 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.10987 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.10988 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.10986 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.10993 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

**WITH
WRIT PETITION NO.9547 OF 2024**

Towels India Exports LimitedPetitioner
V/S
Pladio Plastic Dies Company Private Limited & Anr.Respondents

Mr. Pradeep Thorat a/w Ms. Vrushali Maindad i/b Mr. Mohanish S. Ghatge
for the Petitioner.

Mr. Vivek Walawalkar i/b Mr. Sameer R. Bhalekar *for Respondent No.1.*

CORAM: SANDEEP V. MARNE, J.
DATE : 07 AUGUST 2024.

P.C.:

1 The challenge in these Petitions is to the orders dated 21 July 2023 passed by Appellate Bench of Small Causes Court directing that the applications filed by Appellants/Petitioners for amendment of Written Statement shall be considered and decided after completion of final hearing of the Appeals.

2 It appears that the Appellate Bench is possibly swayed by the title of the applications which read thus:

“Application for seeking permission to file additional evidence.”

3 If the applications were indeed for seeking permission to file additional evidence under Order 41 Rule 27 of the Code of Civil Procedure, 1908 (**Code**) the Appellate Bench would have been justified in directing that the same

would be considered and decided at the time of final hearing of the Appeal. However not only the applications contain specific prayer for amendment of Written Statement but the Appellate Bench itself has correctly understood the nature of the applications and has recorded in its orders that the applications seek amendment in the Written Statement.

4 In my view, applications for amendment of Written Statement cannot be considered and decided at the time of final hearing of the Appeal.

5 Mr. Walawalkar, the learned counsel appearing for Respondents/ original Plaintiffs is at pains to point out absolute absurdity in the applications for amendment of Written Statement contending that the same are aimed solely at delaying the decision of the Appeals. Mr. Thorat, the learned counsel appearing for Petitioners points out that decrees have already been executed and possession of the suit premises is with Plaintiffs and therefore delay in decision of Appeals does not enure to the benefit of the Petitioners. Be that as it may. If the Appellate Bench ultimately arise at conclusion that filing of applications for amendment of Written Statement is abuse of process of law, the Appellate Bench is vested with power to impose exemplary costs on the Petitioners. However this Court cannot be urged to go into the merits of the said applications and to conduct an enquiry as to whether the amendments sought to be introduced by the Petitioners are worth allowing or not. This is something which the Appellate Bench will have to consider and decide.

6 Accordingly order dated 21 July 2023 passed by the Appellate Bench directing that the applications for amendment of Written Statement shall be considered and decided after completion of final hearing of the Appeals are set aside. The Appellate Bench shall proceed to decide the applications for amendment of Written Statement before commencement of hearing of the Appeal. The applications shall be decided in their own merits without being influenced by any of the observations made in the present order. With the above directions, the Writ Petitions are **disposed of**.

(SANDEEP V. MARNE, J.)