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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11998 OF 2024**

Sarika Pankaj Kadam ... Petitioner
vs.
Pankaj Balasaheb Kadam and Anr ... Respondent

Mr. Sachin Khandagale, for Petitioner.

**CORAM : GAURI GODSE, J.
DATED : 28th AUGUST 2024**

ORDER:

1. This petition takes an exception to the order allowing amendment application of the respondent. There is no dispute that the trial has not started. Learned counsel for the petitioner submits that the impugned order was passed without hearing the petitioner. He therefore submits that the petitioner was unable to object to the grant of permission to carry out the amendment.

2. Learned counsel for the petitioner submits that the petitioner has already filed an application for setting aside No WS order passed against her. He submits that a copy of the written statement is already filed alongwith the said application. He submits that if the application is allowed, the petitioner will not be in a position to deal

with amendment which is allowed by the impugned order.

3. It is not in dispute that the trial has not started, the impugned order records that the reply was already filed by the petitioner to oppose the grant of application for amendment.

4. A perusal of the reasons recorded in the impugned order indicates that the petitioner and her advocate were absent when the matter was heard. Hence, I do not see any substance in the arguments raised on behalf of the petitioner that as she was not heard when the impugned order was passed, the order should be interfered with by this court. Hence, I do not see any reason to exercise powers under Article 227 of Constitution of India to interfere with the impugned order. However, it is clarified that if the petitioner is permitted to file a written statement, she will also be entitled to file an additional written statement in response to the amendment as per the impugned order.

5. Writ Petition is disposed of with the aforesaid clarification.

(GAURI GODSE, J.)