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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6406 OF 2025**

Miyalal Matin Shaikh and Anr ... Petitioners

vs.

Shabbir A. Hamid Shaikh deceased through ... Respondents
Lrs

Mr. Suhas S. Inamdar for Petitioner.

Mr. Ajit V. Alange for Respondents.

CORAM : GAURI GODSE, J.

DATED : 3rd JULY 2025

ORDER:

1. Not on board. Taken on the production board.
2. This petition is filed by the defendant to challenge the order rejecting the defendant's application to carry out amendment to the written statement. It is not in dispute that the application is filed after the commencement of the trial. Considering the proposed amendment regarding legal argument, the application is mainly rejected on the ground that the proposed amendment in written statement is not necessary.
3. The impugned order is purely an interlocutory order. Normally, the court should be slow in interfering with such

interlocutory order. In view of Section 105 of the Code of Civil Procedure, 1908 ("CPC") it will always be open for the petitioner to challenge the impugned order in an appeal, in the event the final decree is adverse to the petitioner.

4. Hence, this is not a case to interfere with the impugned order in exercise of the discretionary jurisdiction under Article 227 of the Constitution of India.

5. Subject to the aforesaid observations, and reserving the right under Section 105 of the CPC, the petition is dismissed.

(GAURI GODSE, J.)