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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8463 OF 2025**

M/s. Parshwa Realty through its Partner ... Petitioner

vs.

Rakesh Nandlal Gunani and Ors ... Respondents

Mr. Girish Godbole, Senior Advocate i/b. Mr. Kaustubh Thipsay a/w.

Ms. Deepashikha Godbole for Petitioner.

CORAM : GAURI GODSE, J.

DATED : 29th JULY 2025

ORDER:

1. This petition is filed by defendant no.2 to challenge the order rejecting the application to seek amendment to the written statement. The application is mainly rejected on the grounds that it is filed after commencement of trial and due diligence is not made out. The impugned order is purely an interlocutory order.

2. Normally, court should be slow in interfering with such interlocutory order, in its discretionary jurisdiction under Article 227 of the Constitution of India. In the event the final decree is against the petitioner, it would always be open for the petitioner to challenge the impugned order, in view of Section 105 of the Code of Civil

Procedure, 1908('CPC').

3. Hence, this is not a case to interfere with the impugned order in the discretionary jurisdiction under Article 227 of the Constitution of India. It is therefore, clarified that the observations made in the impugned order have been made for a limited purpose of deciding the application for amendment. All contentions on merits will remain open at the time of final hearing of the suit.

4. Subject to the aforesaid observations and keeping the liberty under Section 105 of the CPC open, the petition is dismissed.

(GAURI GODSE, J.)