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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13375 OF 2024

Smt Archana Sadashiv Avtade
and ors

.....Petitioners

Vs.

Aniket Bapu Bhosale and anr

.....Respondents

Mr. R. D. Phade for the petitioners

CORAM : GAURI GODSE, J.

DATE : 1st JULY 2025

ORDER:

1. This petition is filed by the defendants to challenge the order allowing the application to amend the plaint.
2. There is no dispute that the application is filed at a pre-trial stage. By the impugned order, the learned Judge has recorded that the defendants are at liberty to submit a consequential written statement and the issue of Section 14 of the Limitation Act will be framed.
3. This is purely an interlocutory order. Normally, Court should be slow in interfering with such interlocutory order, in its

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discretionary jurisdiction under Article 227 of the Constitution of India. In the event the final decree is against the petitioners, it would always be open for them to challenge the impugned order, in view of Section 105 of the Code of Civil Procedure, 1908.

4. The petitioners can always raise all possible contentions as permissible in law, by filing additional written statement. The petitioners are therefore permitted to file their additional written statement within six weeks from today.

5. 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 of the plaint. All contentions on merits will remain open at the time of final hearing of the suit.

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

[GAURI GODSE, J.]