

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

WRIT PETITION NO. 17840 OF 2024

Bharati Shrimant Koshti & Ors

....Petitioners

V/S

Shirajuddin Abbas Pathan & Ors

....Respondents

Mr. Kuldeep U. Nikam for the Petitioners.

None for the Respondents.

CORAM : M. M. SATHAYE, J.

DATED : 14th FEBRUARY, 2025

P.C.:

1. Heard learned Counsel for the Petitioners.
2. By the impugned order, the Application for the amendment moved by the Petitioners, only to the extent of including all the Defendants in the prayer clauses instead of only Defendant Nos. 3 and 4, has been rejected.
3. Learned Counsel for the Petitioners submits that all the Respondents/Defendants have filed written statement opposing the prayers in the suit. He further states that notwithstanding the stage of cross-examination of the Petitioners' first witness, the Petitioners are ready to offer the said witness for further cross-examination, in case the Petitioners' prayer for amendment succeeds.

4. The suit is for perpetual injunction not to disturb the possession or change the nature of the suit property as also for restoring the nature of the suit property, if changed.
5. Issue notice to the Respondents, returnable on 27/02/2025. Humdast permitted. Notice to indicate that the subject to time constraints an endeavour will be made to hear the matter finally at the admission stage.
6. The Petitioner is at liberty to file appropriate adjournment application before the Trial Court.

(M. M. SATHAYE, J.)