

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3621 OF 2024**

Sanjay Gaurishankar Sharma ... Petitioner

Vs.

Devang Dinesh Parmar and Others ... Respondents

Mr. Ramesh D. Soni a/w. Mr. Sachin Chowdhari for the
Petitioner.

Mr. Santosh Mali for Respondent – BMC.

Mr. Devang Parmar -Respondent No. 1 – present in person.

Mr. P.G. Lad a/w. Ms. Aparna Kalathil and Ms. Sayli Apte for
MHADA.

CORAM : GAURI GODSE, J.

DATE : 20th JUNE 2025

ORDER :

1. This writ petition is filed to challenge the order dated 7th October 2023 allowing the application for amendment of the plaint.

2. 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 petitioners to challenge the impugned order in an appeal, in the event the final decree is adverse to the petitioners.

3. The petitioner can always raise all possible contentions as permissible in law, by filing additional written statement. The petitioner is therefore permitted to file their additional written statement within four weeks. 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. 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.

4. Subject to the aforesaid observations, and reserving the right under Section 105 of the Code of Civil Procedure, the petition is dismissed.

[GAURI GODSE, J.]