

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10297 OF 2024

Mangesh Dhondu Nalavade and anrPetitioners

Vs.

Dhonu Dhaku NalavadeRespondents
Since Deceased through LRs

Mr. Viral Rathod a/w Mr. Saurav More for the petitioners
Mr. Arun Nalavade for respondent no. 1/a
Ms. Vijaya Nalavade respondent no. 1/b present in person

CORAM : GAURI GODSE, J.

DATE : 17th JUNE 2025

ORDER:

1. This petition is filed by the defendants to challenge the order dated 15th April 2024 permitting the plaintiff to carry out the amendment to the plaint. The suit is at an initial stage.
2. The impugned order is purely an interlocutory order. If the decree passed in the suit is adverse to the petitioner, while preferring an appeal against the decree, the petitioners can always challenge the interlocutory order in view of the provision of

Section 105 of the Code of Civil Procedure, 1908 ('CPC').

3. Moreover, by filing an additional written statement to the amended plaint, the petitioners can always raise all possible contentions as permissible in law. If the petitioners have not yet filed an additional written statement, they are at liberty to do so within six weeks from today.

4. Hence, this is not a case to interfere with the interlocutory order in the discretionary jurisdiction of this Court under Article 227 of the Constitution of India. It is however, clarified that the observations made in the interlocutory order have been made for a limited purpose of deciding the application for the amendment of the plaint.

5. Subject to what is observed above, the petition is dismissed, by keeping the liberty under Section 105 of the CPC open. The rights and contentions of the parties on merits in the suit are kept open.

[GAURI GODSE, J.]

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MASHAL

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