

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2378 OF 2025

M/s. Anita Developers

...Petitioner

Versus

Pundalik Balaji Gharat (deceased) through
LRs

...Respondents

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Mr. Drupad Patil, a/w Srushti Chalke, for the Petitioner.

Mr. Sahil Wagh, for Respondent Nos.1 to 3.

Mr. Abhishek Patil, for Respondent Nos.9 and 10.

CORAM: N. J. JAMADAR, J.

DATED: 3rd APRIL, 2025

PC:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 2nd January, 2025, whereby an application preferred by the petitioner – plaintiff seeking amendment in the plaint so as to bring on record the fact that one of the partners of the firm namely, Smt. Anita Patil had passed away and the consequential impact on the rights of the parties.
3. The learned Counsel for respondent Nos.9 and 10 – defendant Nos.19 and 20, who had opposed the application for amendment, on instructions, submits that since it is a pre-trial amendment, upon reflection, defendant Nos.19 and

20 do not intend to oppose the prayer for amendment and, therefore, the petition may be allowed.

4. In view of the aforesaid statement and also having regard to the nature of the amendment, which was sought to be introduced at a pre-trial stage, the petition deserves to be allowed.

5. Hence, the following order:

: O R D E R:

- (i) The petition stands allowed.
 - (ii) The impugned order dated 2nd January, 2025 stands quashed and set aside.
 - (iii) The application for amendment (Exhibit-97) stands allowed.
 - (iv) Necessary amendment be carried out by the plaintiff within two weeks of uploading of this order and copy of the amended plaint be served on the defendants.
 - (v) The defendants are at liberty to file an additional written statement within a period of 30 days from the date of the service of the amended copy of the plaint.
- Petition stands disposed.

No costs.

[N. J. JAMADAR, J.]