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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3902 OF 2025**

Mahesh Rajaram Kukreja Partner of M/s. ... Petitioner
Yashraj Infrastructure

vs.

Minister of Industries, State of Maharashtra ... Respondents
and Ors

Mr. Nikhil Patil i/b. Mr. Vikas Daware for Petitioner.

Ms. Shraddha Dubepatil i/b. Jay and Co., for Respondent Nos.
1A, 2, 3, 4.

Ms. Rupali Shinde AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 13th JUNE 2025

ORDER:

1. Rule. Rule made returnable forthwith. Taken up for final disposal.

2. This petition is filed by the original plaintiff to challenge the order rejecting the application to carry out an amendment to the plaint. The suit is still at the initial stage, where the application for interim relief is yet to be heard. A written statement has already been filed by defendant nos. 1A to 4. The suit has proceeded ex-parte against defendant no.5. The application seeking permission to amend the plaint is objected to by defendant nos. 1A to 4.

3. Learned counsel for the petitioner submits that the proposed amendment does not change the nature of the suit, and

it was only by way of inadvertence that proper pleadings remained to be made. He submits that the description of the property sought to be amended is already referred to in paragraph 10 of the plaint. He therefore submits that there is no reason to disallow the amendment. He submits that it will always be open for the defendants to file additional written statement in response to the proposed amendment. He submits that the reasons recorded in the impugned order amount to a hyper-technical approach in rejecting the application for amendment.

4. Learned counsel for respondent no.1A to 4 submits that the amendment application is the fourth amendment requested on behalf of the plaintiff. She submits that only to fill up the lacuna in view of the order passed in the connected suit, the present application is filed. She opposes the grant of leave for any amendment.

5. I have perused the papers of the petition. The proposed amendment does not change the nature of the suit. Since the suit is at the initial stage, it will always be open for the defendants to file an additional written statement in response to the proposed amendment. I see no prejudice caused to any of the parties if the proposed amendment is allowed. The reason recorded in the impugned order, stating that the proposed amendment is to fill up the lacuna in the plaintiff's case, is no ground to refuse the

amendment. The reasons for seeking the amendment are explained in the application. The ground for refusing the amendment would not be sustainable, as the suit is at the initial stage. Amendment applications cannot be rejected on such hyper-technical grounds. The merits of the proposed amendment cannot be a ground to refuse the amendment.

6. Hence, this is a fit case to exercise power under Article 227 of the Constitution of India to interfere in the impugned order. Writ Petition is therefore allowed by passing the following order:

I) The order dated 17th December 2024 passed by the 3rd Joint Civil Judge Senior Division, Belapur, Navi Mumbai, below Exhibit-90, in Regular Civil Suit No. 257 of 2023 is quashed and set aside.

II) The application at Exhibit-90 is allowed.

III) Plaintiff shall carry out the amendment within four weeks.

IV) Defendants would be at liberty to file their respective written statement/additional written statement in response to the amended pleadings.

7. Writ Petition is allowed in the aforesaid terms.

(GAURI GODSE, J.)