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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8077 OF 2025**

Motin Robert D'soza ... Petitioner

VS.

Prakash Parshuram Ahuja and Ors ... Respondents

Mr. Kiran G. Kulkarni for Petitioner.

CORAM : GAURI GODSE, J.

DATED : 20th JUNE 2025

ORDER:

1. Not on board. Taken on production board.
2. This petition is filed by the defendant to challenge order dated 10th February 2025 allowing plaintiff's application for amendment to the plaint.
3. The impugned order is purely an interlocutory order. Normally, 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 petitioner to challenge the impugned order in an appeal, in the event the final decree is adverse to the petitioner.
4. The petitioner can always raise all possible contentions as

permissible in law, by filing additional written statement. The petitioner is therefore permitted to file his additional written statement within four weeks.

5. Hence, this is not a case to interfere with the impugned order in 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.

6. Subject to the aforesaid observations, and reserving the right under Section 105 of the CPC, the petition is dismissed.

(GAURI GODSE, J.)