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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8350 OF 2025

Suresh Bhimrao Jadhav and orsPetitioners

Vs.

Rahul Yashwant Jadhav and OrsRespondents

Mr. Bhushan Walimbe a/w Mr. Mayank Tripathi for the petitioners
Mr. Aloka A. Nadkarni AGP for the respondent-State

CORAM : GAURI GODSE, J.

DATE : 1st JULY 2025

ORDER:

1. This petition is filed by defendant nos. 3 to 21 to challenge the order permitting the plaintiff to amend the plaint. The application is filed at a pre-trial stage.

2. This is purely an interlocutory order. Normally, Court should be slow in interfering with such interlocutory order, in its discretionary jurisdiction under Article 227 of the Constitution of India. In the event the final decree is against the petitioners, it would always be open for them to challenge the impugned order,

in view of Section 105 of the Code of Civil Procedure, 1908.

3. The petitioners can always raise all possible contentions as permissible in law, by filing additional written statement. The petitioners are therefore permitted to file their additional written statement within six weeks from today.

4. 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.

5. Subject to the aforesaid observations and keeping the liberty under Section 105 of the CPC open, the petition is dismissed.

[GAURI GODSE, J.]