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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8717 OF 2025
WITH
INTERIM APPLICATION(ST) NO. 20237 OF 2025**

Alkabai Vinayak Gharat since deceased ... Petitioners/Applicants
through Lrs

vs.

Ananta Babu Patila and Ors ... Respondents

Dr. D.S. Hatle a/w. Mr. Deepak Jamsandekar for Petitioners.

CORAM : GAURI GODSE, J.

DATED : 9th JULY 2025

ORDER:

1. This petition is filed by defendants to challenge the order permitting the plaintiff to amend the plaint. The impugned order observes that the trial is yet to commence and thus, no prejudice would be caused to the defendants if the plaint is amended.

2. 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. Learned counsel for the petitioners submits that written statement is already filed and issues are framed and the suit is for recording evidence. 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 four weeks.

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.)