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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9490 OF 2025**

Sajid Ismail Haji Noor ... Petitioner

Mohammed

Vs.

Reza Kabul Hasan Kabul ... Respondent

Mr. Rohit Chavan i/b. Mr. Vishal Kale for the Petitioner.

CORAM : GAURI GODSE, J.

DATE : 18th JULY 2025

ORDER :

1. This petition is filed by defendant no. 2(a) seeking directions to strike out pleadings in paragraph 7(A) and 7(B). Learned counsel for the petitioner submits that when the amendment to the plaint was challenged before this court in Writ Petition (St) No. 23697 of 2014, a statement was made on behalf of the plaintiff, that the plaintiff would not seek any correction of any prayers based on the added paragraph 7(A) and 7(B). In view of the statement made on behalf of the plaintiff the petition filed by defendant no. 2(a) was withdrawn.

2. Learned counsel for the petitioner submits that inspite of making statement before this court, the added paragraphs are not deleted and therefore defendant no. 2(a) filed the

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present application for striking out the pleadings in paragraph 7(A) and 7(B). He therefore submits that in view of the order dated 18th November 2014 passed by this court the petitioner's application for striking out the pleading in the plaint needs to be allowed.

3. I have perused the papers and the earlier orders. In the earlier order dated 18th November 2014 a statement was made that the plaintiff would not seek any prayers based on the amended paragraphs. The trial court has therefore rejected the petitioner's application on the ground that the statement made on behalf of the plaintiff before this court is sought to be misinterpreted by the petitioner.

4. Considering the statement made before this court on 18th November 2014, the petitioner's application is rightly rejected by the trial court. There is no ground to strike out the plaintiff's pleadings. The challenge to the amended pleadings is already withdrawn by this petitioner.

5. This is not a case to exercise discretionary jurisdiction under Article 227 of the Constitution of India. The petition is devoid of any merit. The petition is therefore dismissed.

[GAURI GODSE, J.]