

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 11443 OF 2025**

M/s Finansys Wealth Advisors LLP      ...      Petitioners  
and Anr.

V/s.

Jayshree jagdish Thatte and Ors.      ...      Respondent

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Mr. Chandan Athani i/by Sujit Padarat, for the petitioner.

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**CORAM    :    N.J. JAMADAR, J.**  
**DATE     :    16<sup>th</sup> SEPTEMBER 2025**

**PC:**

1.    Heard the learned counsel for the petitioner.
2.    The challenge in this petition is to an order dated 5<sup>th</sup> April 2025 passed by the learned Civil Judge on an application for amendment in the plaint (Exhibit-29).
3.    The learned counsel for the petitioner submitted that the learned Civil Judge has incorrectly recorded that the trial in the suit has not commenced, and, therefore, the proviso to Order VI Rule 17 was not attracted.
4.    The learned counsel further submitted that the impugned order is bereft of reasons, though the plaintiff has sought substantial amendment in the plaint.
5.    I have perused the impugned order.

*This order is corrected as per speaking to the minutes of the order dated 19<sup>th</sup> September 2025.*

6. The learned Civil Judge has simply recorded that the proposed amendment is minor in nature and would not change the nature of the suit, apart from observing that the trial in the suit has not commenced.

7. The impugned order singularly lacks consideration on the aspects which ought to inform the exercise of discretion to permit a party to amend the pleadings. Since order is bereft of reasons, the Court does not consider it necessary to issue notice to the respondent. It would be in the fitness of things to remit the matter back to the learned Civil Judge for a fresh determination after providing an effective opportunity of hearing to the parties and recording adequate reasons.

7. Hence, the petition stands allowed.

8. The impugned order stands quashed and set aside.

9. The application for amendment in the plaint (Exhibit-29) stands restored to the file of the learned Civil Judge.

10. The learned Civil Judge is requested to hear and decide the said application (Exhibit-29) afresh after providing an effective opportunity of hearing to the parties and recording adequate reasons.

11. The petition stands disposed.

(N.J. JAMADAR, J)