



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12357 OF 2025

Chitra Anurag Chaudhary and Anr. ... Petitioners
versus
Late Namdeo Narayan Phatak and Ors. ... Respondents

Mr. Swarnendu Chatterjee with Mr. Farheen Penwale, Ms. Chaula Solanki,
Mr. Niranjana Pradhan, Mr. H.H.Nagi i/by Nagi and Associates, for Petitioners.
Mr. Hamid Mulla, AGP for State.

CORAM: N.J.JAMADAR, J.

DATE : 22 SEPTEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 4 September 2025, whereby the learned District Judge, Pune has directed the Petitioners – Appellants to amend the appeal memo to show Respondent Nos.3 and 4 – original Defendant Nos.2 and 3, as major.
3. Respondent Nos.3 and 4 were arrayed as minor defendant Nos.2 and 3 through their mother – Defendant No.4 (Respondent No.2) in Special Civil Suit No.2168 of 2008. In appeal also, they were impleaded as minor through their mother.
4. Learned District Judge allowed the application opining that, once the minor defendants became major, it was the duty of the appellants to carry out

necessary amendment in the appeal memo.

5. Learned Counsel for the Petitioners submitted that, the Respondent Nos.3 and 4 did not take steps to bring the fact of the majority before the Appellate Court and allowed the appeal to proceed to the stage of final arguments and it being reserved for judgment. At that stage, Respondent Nos.3 and 4 filed an application seeking direction to the Appellants to amend the appeal memo and permit the Respondent Nos.3 and 4 to file pleadings.

6. It appears, the Respondent No.4 had attained majority during the pendency of the suit. Yet, in the appeal, he was impleaded as a minor Respondent. Respondent No.3 attained majority during the pendency of appeal i.e. 2018. Yet, the appeal was proceeded with, without carrying out necessary amendment.

7. By the impugned order, the learned District Judge has simply directed the Appellants to implead Respondent Nos.3 and 4 as major parties. The question as to whether Respondent Nos.3 and 4 on account of the said amendment, would be entitled to file further pleadings has not been determined by the Appellate Court. If such question arises for consideration, the Appellants will be entitled to raise all the grounds that are available in law, including the conduct of Respondent Nos.3 and 4 in allowing the appeal to proceed to the stage of final arguments and it being reserved for judgment and the consequences that ensue from such development.

8. Subject to the aforesaid clarification, the Writ Petition stands disposed.

(N.J.JAMADAR, J.)