

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12997 OF 2025

Ish Homes Pvt. Ltd.

...Petitioner

Versus

Vijay Lakshmi Shukla & Ors.

...Respondents

Mr. Khan Javed Akhtar, Advocate for Petitioner.

Mr. Tanvir Shaikh, Advocate for Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.

DATED : 7th November 2025

P.C.:

1. Heard Mr. Akhtar, learned Counsel appearing for the Petitioner and Mr. Shaikh, learned Counsel appearing for the Respondent No.1.

2. The challenge in this Writ Petition, filed under Article 227 of the Constitution of India is to the Order dated 13th August 2025 passed by the Appellate Bench of the Small Causes Court, Mumbai by which Application bearing Exhibit-56 in Appeal No.260 of 2017, which has been filed seeking to amend Appeal Memo has been allowed.

3. Although various contentions are raised by Mr. Akhtar, learned Counsel for the Petitioner, however, after arguing the Writ

Petition for some time, he states that if the Petitioner is granted liberty to file Affidavit before the learned Appellate Court placing on record various contentions with respect to the proposed amendment, then he has instructions to withdraw the Writ Petition.

4. Accordingly, the Writ Petition is allowed to be withdrawn. Consequently the impugned Order dated 13th August 2025 passed by the Appellate Bench of the Small Causes Court, Mumbai below Exhibit 56 in Appeal No. 260 of 2017 stands confirmed. However, the Petitioner is at liberty to file Affidavit in said Appeal placing on record various contentions regarding the amendment.

5. Let such Affidavit be filed on or before 9th January 2026.

6. The learned Appellate Court is requested to decide the Appeal expeditiously, in accordance with law and by taking into consideration even the contentions to be raised in such Affidavit, if filed.

7. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of as such, subject to above.

(MADHAV J. JAMDAR, J.)