

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 2621 OF 2024
WITH
INTERIM APPLICATION NO. 1564 OF 2025
IN
SUIT NO. 1448 OF 2005**

Katpadi Krishnarai Kamath .. Applicant

IN THE MATTER BETWEEN

Katpadi Krishnarai Kamath	.. Plaintiff
Versus	
Harishchandra A. Pandit & Ors.	.. Defendants

Adv. Akshay U. Bobade i/b Adv. Mukesh Subramaniam for the,
Applicant/Plaintiff.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: SEPTEMBER 23, 2025

P. C.

1. This Interim application has been filed seeking amendment of the Plaint as per the Schedule of amendment annexed as Exhibit “B” to the Interim Application. The amendment seeks to replace the original Defendant No.7 Atithi Builders with Prestige Mulund Reality Private Limited.

2. The original Defendant No.7 was converted into a partnership firm M/s. Ariisto Developers and then into a Company, Ariisto Developers Private Limited, which went into liquidation before the National Company

Law Tribunal (NCLT). In the proceedings before the NCLT, a Resolution Plan was submitted by Prestige Mulund Reality Private Limited, which came to be approved vide Order dated 22nd March, 2021. Under the Resolution Plan, Ariisto Developers Private Limited was taken over by Prestige Mulund Reality Private Limited. It is in these circumstances that the Plaintiff has sought to replace the Original Defendant No.7 with Prestige Mulund Reality Private Limited.

3. The Defendants, though served, have not appeared.
4. Considering the aforesaid, in my view, this amendment is required to be allowed.
5. Accordingly, the Interim Application is allowed in terms of prayer (a) which reads as under :

“(a) That the Plaintiff be granted leave to amend the Plaint as Per Schedule of Amendment at Exhibit “B” annexed hereto and to make consequential Amendments.”

6. The amendment to be carried out within a period of two weeks from today and an amended copy of the Plaint be served on all the Defendants.
7. Interim Application is disposed of. No order as to costs.

[FIRDOSH P. POONIWALLA, J.]