

Sharayu Khot.

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

INTERIM APPLICATION NO. 576 OF 2025

IN

SUIT NO. 280 OF 2024

Bhavana Rameshlal Wadhwa

**...Applicant /
Plaintiff**

Versus

Hiranand Tijomal Wadhwa & Anr.

...Defendants

Mr. Kunal Damle a/w Mr. Ashish Gobhale, Ms. I. Dube Patil and Mr. Faiz Qureshi i/by Jay & Co. for the Plaintiff.

None for the Defendants.

CORAM : R.I. CHAGLA J

DATE : 21 July 2025

ORDER :

1. By this Interim Application, the Applicant / Plaintiff is seeking permission to carry out amendment in the Plaint as per schedule of amendment at Exh.A to the Interim Application.

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2. The learned Counsel for the Applicant / Plaintiff states that Affidavit of Service dated 17th March 2025 has been filed which

shows that the Defendants had been served with the present Interim Application and listing of the matter.

3. In spite of service on Defendants, none appears for the Defendants.

4. The Applicant has referred to the events which they consider are subsequent and for which the amendments are sought and particularly, with regard to the fact of the Defendant No. 1 having entered into the suit flat and dispossessed the Plaintiff. The Applicant has also sought amendment with regard to the address of Defendant No. 1, which address is now that of the suit flat. Addition of prayer seeking mandatory order of injunction against the Defendants to vacate the suit flat and handover the same to the Plaintiff and in the alternative to pay compensation towards unlawful use and occupation of the suit flat from 25th March 2019 till handing over possession of the suit flat to the Plaintiff have been sought.

5. I have considered the proposed amendments as per schedule annexed at Exh.A to the Interim Application. Upon perusal of the schedule of amendments, the dispossession of the Plaintiff by

Defendant No. 1 was in the year 2019 i.e. prior to the filing of the Suit. Accordingly, it would be appropriate to give one last opportunity to the Defendants to remain present in this Court prior to allowing the amendments.

6. The Plaintiff shall serve notice of this order on the Defendant and file Affidavit of Service prior to the next date.

7. Stand over to 4th August 2025.

[R.I. CHAGLA J.]