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

INTERIM APPLICATION NO.2757 OF 2025
IN
SUIT NO.279 OF 2022

JITENDRA
SHANKAR
NIJASURE

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JITENDRA SHANKAR
NIJASURE
Date: 2025.08.05
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Abhishek Rajnikant Sheth

...Applicant /
Plaintiff

Versus

Prasad Rajnikant Sheth and Ors.

...Defendants

Mr. Gouresh Mogre, for the Applicant / Plaintiff.

Mr. Pushkaraj Deshpande, Thru V.C. i/b. ALMT Legal for Defendant No.1.

Mr. Akash Rebello, Thru V.C. with Mr. Nishin Shrikhande, Ms. Hubab Sayyed i/b. Vidhii Partners for Defendant No.7.

CORAM : R.I. CHAGLA J.

DATE : 4TH AUGUST, 2025.

ORDER :

1. By this Interim Application, the Applicant / Original Plaintiff has sought permission to amend the Plaint and Interim Application in terms of the schedule annexed at Exhibit 'E' to the Interim Application.

2. The learned Counsel appearing for the Applicant has tendered the acknowledgments of service which has been received by the Advocates for the Plaintiff and by which it shows that the Interim application along with exhibits have been served on the Defendants by RPAD. The Advocates for the Plaintiff shall file Affidavit of Service to that effect by 6th August, 2025.

3. Considering that the Defendants have been served with the present Interim Application, it is accordingly taken up.

4. The proposed amendment sought is in respect of chargesheet which EoW has filed during the pendency of the present Suit and from which the Applicant has been able to deduce certain facts which support the Plaintiff's case against the Defendants and has a bearing on the subject matter of the present Suit. This has been averred to in paragraphs 4 to 8 and 11 of the Interim Application and accordingly, the present Interim Application has been taken out for amendment of the Plaint and Interim Application.

5. At this stage, the learned Advocate appearing for the Defendant No.1 states that he has instructions to return the papers

and that his presence be discharged.

6. Accordingly, the Advocate appearing for the Defendant No.1 is discharged in the matter.

7. I have considered that the proposed amendments are subsequent events and have a bearing on the subject matter of the present Suit. Further, the Defendants have been served and Defendant No.1 is making appearance. The Defendant Nos.2 to 6, 8 and 9 have not made an appearance and Defendant No.7 appears through Counsel and states that the amendment does not in any way concern this Defendant. Accordingly the relief sought for in the Interim Application is required to be granted. Hence, the following Order:-

(i) The Applicant / Plaintiff is permitted to amend the Plaint and Interim Application in terms of the schedule annexed at Exhibit 'E' to the Interim Application within a period of three weeks from today. Re-verification is dispensed with.

(ii) The amended Plaint and amended Interim Application shall

be served on the Defendants.

(iii) The Interim Application is accordingly disposed of. There shall be no order as to costs.

[R.I. CHAGLA J.]