



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

**INTERIM APPLICATION NO.6093 OF 2025
IN
SUIT NO.245 OF 2023**

Malik Sarfrazuddin Aladatkhanji

...Applicant/
Org. Plaintiff No.2

IN THE MATTER BETWEEN:

Aslam Alladatkhan Malik & Anr.

...Plaintiffs

Versus

Fancy Builders Private Limited & Ors.

...Defendants

AND

Aditya Birla Housing Finance Limited

...Respondent

Mr. Udaybhanu Sinh a/w Mr. Ivor Peter D'Cruz, Mr. Pierre Fernandes, Ms. Elaine Fargose & Ms. Rupali Singh i/by Mr. Ivor Peter D'Cruz for the Applicant/Plaintiffs.

Ms. Sutapa Saha for Defendant No.1.

Mr. Akshay Kolse Patil a/w Ms. Vinodini Srinivasan, Mr. Rishir Daulat, Ms. Ashita Chhibber & Mr. Ayush Khandelwal i/by TRD Associates for Defendant Nos.2 & 3.

Mr. Karl Tamboly a/w Mr. Malcolm Siganporia i/by Ms. Nazaqat Lal for Defendant No.4.

Mr. Shubro Dey for Defendant No.5.

CORAM : JITENDRA JAIN, J.

DATE : 16 OCTOBER 2025

P.C.:

1. Heard learned counsel for the parties.
2. By this Interim Application, the plaintiff proposes to implead defendant No.6-Housing Finance Company with whom there is a

mortgage deed executed on 25 September 2024 and which has a bearing on the present subject matter of the suit. The Interim Application also seeks to bring on record Lis Pendens Notice dated 25 July 2024.

3. I have heard learned counsel for the applicant and the respondents.

4. In my view, the amendment would be necessary for adjudication of the dispute between the parties and further these are the events post filing of the suit and, therefore, the prayer for amendment is allowed. However, the respondents are at liberty to object to the proposed amendment by filing an appropriate proceeding. The rights of the respondents to the proposed amendment is not taken away by the present order. Amendment to be carried out within four weeks from today. Amendment copy to be served on all the parties to the proceedings.

5. Mr. Sinh, learned counsel for the applicant files an affidavit of service which indicates that the proposed defendant no.6 has refused the service.

6. The Interim Application is disposed.

[JITENDRA JAIN, J.]