



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1345/2025
Sunil Motilalji Kalantri Vs. Sau. Nilima Sharadrao Gayki

Office Memoranda Appearances, directions orders	Notes, of Court's orders and Registrar's orders	Office Coram, orders or Registrar's orders	Court's or Judge's orders
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Mr. S.M. Vaishnav, Advocate for Petitioner

CORAM: ANIL L. PANSARE, J.

DATED : 4th JULY, 2025

1. Heard Mr. S.M. Vaishnav, counsel for the petitioner. Mr. G.N. Akolkar, counsel though filed *vakalatnama* for respondent is absent. The counsel for the petitioner has made a request for interim relief. He submits that the application seeking amendment, which was filed prior to commencement of trial, has been rejected on the ground that the amendment will change the nature of the suit. He submits that the suit was filed for specific performance of contract with an alternative prayer for refund of earnest money. By way of amendment the petitioner / plaintiff intends to restrict his prayer to alternative prayer i.e. refund of earnest money. The argument is that such prayer cannot be said to be an amendment that would change the nature of the suit.

2. I find substance in the submissions because out of two prayers, one prayer has been not pressed, which will not change the nature of the suit. Further, the counsel for the respondent is absent and therefore the submissions made by the petitioner's counsel remained uncontroverted.

3. The petitioner has, thus made out a case for interim relief. Accordingly, further proceedings of Special Civil Suit No. 423/2024, pending before the 9th Civil Judge, Senior Division, Amravati, is stayed, till the next date.
4. List on 25.07.2025.

(ANIL L. PANSARE, J.)

MP Deshpande