

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4829 OF 2025

Raja Stall Through Its Partner Ravi Raja	...Petitioner
<i>Versus</i>	
Dr. V. Shankar And Ors.	...Respondents

Mr. Vishwanath Patil a/w Pradip Patil, for the Petitioner
Mr. G. S. Godbole, Senior Advocate i/b N. V Sanglikar, for the
Respondents.

CORAM: MADHAV J. JAMDAR, J.
DATED: 19 JANUARY 2026

PC:-

1. Heard Mr. Vishwanath Patil, learned Counsel appearing for the Petitioner and Mr. Girish Godbole, learned Senior Counsel appearing for the Respondents.
2. By the present Civil Writ Petition, challenge is to the legality and validity of the Order dated 23rd January 2025 passed by learned Judge of the Small Causes Court, Mumbai below Exhibit-70 in R.A.D. Suit No.229 of 1984.
3. After arguing the matter on two to three occasions, both Mr. Vishwanath Patil, learned Counsel for the Petitioner and Mr. Girish

Godbole, learned Senior Counsel, on instructions, submit that Writ petition be disposed of by consent and tender Minutes of Order.

4. The Minutes of Order are signed by Mr. Vishwanath Patil, learned Counsel for the Petitioner and Ms. Sanglikar, learned Counsel for the Respondents. Accordingly, the said Minutes of Order are taken on record and marked “X” for identification. The Minutes of Order read as under:

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'x' Tendency in the court on 19/1/26
 19/1/26
 C.M.-19

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4829 OF 2025

DISTRICT : MUMBAI

M/s. Raja Stall ... Petitioner

Vs.

Dr. V. Shankar & Ors. ... Respondents

CORAM : MADHAV JAMDAR, J.

DATE : 19th JANUARY, 2026.

Mr. Vishwanath Patil, Advocate for Petitioner.

Mr. Girish S. Godbole, Senior Advocate i/b.
 Adv. Nilima V. Sanglikar for Respondents.

MINUTES OF ORDER

1. Rule. By consent Rule made returnable forthwith. Adv. Sanglikar waives service of Rule on behalf of Respondents. Considering the narrow issue in this Petition, the Petition is taken up for hearing forthwith.

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2. The Petitioner wishes to bring the current partners of the Plaintiff firm on record. Respondents dispute the contention of the Petitioner that the persons sought to be brought on record are the current partners of the Plaintiff firm.
3. Without going into the aforesaid rival contentions and by specifically keeping the rival contentions in that regard open to be agitated in R.A.D. Suit No. 229 of 1984 presently pending in the Court of Small Causes at Mumbai; the impugned Order dt. 23.01.2025 passed by the Ld. Judge of the Court of Small Causes at Mumbai presiding in CR. No. 8 below Exh. 70 being Exh.A to the Petition is quashed and set aside subject to the aforesaid contention being kept open.
4. Resultantly, the following persons are allowed to be brought on record of the said Suit as Co-Plaintiffs;
 - a. Mr. N. K. Ravi Raja
 - b. Mr. Nandkumar Raja
 - c. Mr. Prabhu Raja
5. It is made clear that this Order shall not be construed to be an expression of opinion on the merits of the above referred rival contentions and issue and the Ld. Judge of the Trial Court shall decide the aforesaid issue on its own merits and in accordance with

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law without being influenced by this Order when the Suit is finally heard and decided.

6. The Petitioner shall carry out the requisite amendment in the Plaint on/or before January, 2026. The Respondents shall file additional Written Statement dealing with averments in the amended Plaint and dealing with the aforesaid controversy on/or before Thereafter, the Ld. Judge of the Trial Court shall frame an additional issue touching the aforesaid controversy, which shall be decided along with all other issues at the time of final hearing of the Suit and connected cross Suit being L.E. Suit No. 71/86 of 1991 filed by Respondents.

7. Considering the fact that the aforesaid cross Suits are pending from the year 1984-1991 respectively, the hearing of the Suits are expedited and the Ld. Judge of the Trial Court shall hear and decide both the Suits on/or before, 2026.

Identified by
Adv. Vishwanath Patel
for Plaintiffs.
[Signature]
19/11/2026

Identified by
Adv. Suresh
Adv. for Respondents

5. As the Minutes of Order specifically records that the same is without prejudice to the rights and contentions of both the parties, the Order can be passed in terms of the Minutes of Order.

6. The Petitioner shall carry out the requisite amendment in the Plaint within a period of 2 weeks from today and serve the amended Plaint on the Respondents within 1 week thereafter. The Respondents shall file additional written statement, if any, within a period of 3 weeks after the service of amended Plaint on the Respondents.

7. As the subject Suits are of the year 1984/1991, the learned Trial Court is requested to dispose of the same expeditiously on or before 30th April 2027.

8. Accordingly, the impugned Order dated 23rd January, 2025 passed by learned Judge, Small Causes Court, Mumbai below Exhibit-70 in R.A.D. Suit No.229 of 1984, is quashed and set aside and the said Exhibit-70 Application filed in R.A.D. Suit No.229 of 1984 is disposed of in terms of the Minutes of Order and in above terms.

9. Accordingly, the Writ petition is disposed of in above terms with no orders as to costs.

[MADHAV J. JAMDAR, J.]