

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16323 OF 2025

Deepa Indian Private Limited ..Petitioner

Versus

Magus Estates and Hotels Limited ...Respondent

Mr. Nishant Chothani a/w Ms. Niyati Shah i/b MLS Vani &
Associates, for the Petitioner.

Mr. Nehal Rajput, i/b Mr. Mahernosh Humranwala, for the
Respondent.

CORAM: N. J. JAMADAR, J.

DATE : 7th APRIL 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 19th September, 2025, whereby the Notice of Motion No. 2989/2025, taken out by the plaintiff to restore the suit which came to be dismissed for failure on the part of the plaintiff to change the name of the defendant in the clause title of the plaint, came to be dismissed.
3. The learned Counsel for the petitioner submitted that, despite there being no objection on the part of the sole defendant, the learned Judge rejected the Notice of Motion.

4. The learned Counsel for the respondent/defendant, on instructions, submits that, the respondent/defendant has no objection to restore the suit to file.
5. In view of the aforesaid submissions and to advance the cause of substantive justice by having the determination of the lis on merits rather than technicalities, the impugned order stands quashed and set aside.
6. The Notice of Motion No. 2989/2025 stands allowed.
7. The order dismissing the suit for failure on the part of the plaintiff to correct the name of the defendant in the clause title of the plaint stands quashed and set aside.
8. Suit No. 666/2024 stands restored to the file.
9. The plaintiff shall carry out the necessary amendment in the plaint within a period of two weeks from the date of uploading of this order.
10. The Writ Petition stands disposed.

[N. J. JAMADAR, J.]