



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 6 OF 2025**

IN

CIVIL REVISION APPLICATION NO. 329 OF 2025

Devang Dinesh Parmar. ... Petitioner/Applicant

Vs.

Sanjay Gaurishnkar Sharma

and Anr. ... Respondents

Mr. Devang D. Parmar, applicant in person in Review Petition No. 6 of 2025.

Mr. Akshay Doctor i/b. Mr. Sachin Chowdhary for the applicant in CRA/329/2025.

Ms. Aparna M. K. i/b. Mr. P. L. Lad for respondent Mhada.

Mr. Santosh Parad for the respondent BMC.

CORAM : GAURI GODSE, J.

DATE : 10th February 2026

ORDER :

1. This review petition is filed by respondent no.1 in the civil revision application who appears in person. The review petition seeks to review the order dated 4th July 2025 admitting the civil revision application and granting interim relief. The civil revision application is filed to challenge the order passed by the trial court rejecting the application under Order VII Rule 11 of the Civil Procedure Code ("CPC") filed

by defendant nos. 1 and 2 (“defendants”).

2. The petitioner submits that when the order under review was passed, the plaint was already amended. However, the defendants did not file the amended plaint in the civil revision application. Hence, when the order under review was passed, this court had no benefit to peruse the amended plaint. According to him, if the amended plaint is perused it is clear that there is a cause of action to filing the suit. He, therefore, submits that the defendants had deliberately suppressed the amended plaint from this court by filing an unamended plaint to the civil revision application. He relies upon paragraph 11 of the plaint to support his submissions that the cause of action is clearly pleaded in the plaint. He, therefore, seeks review of order dated 4th July 2025.

3. Learned counsel for the respondents (defendants) submits that the application filed under Order VII Rule 11 of CPC was rejected on 7th October 2023, on the same day, when a separate application filed by the plaintiff seeking amendment to the plaint was allowed. Hence, the applicants had filed a separate writ petition and the said writ petition is

dismissed by keeping the liberty under Section 105 of the CPC open to the defendants. He further points out that initially a writ petition was filed challenging the rejection of the application under Order VII Rule 11 of CPC. When the petition disposing of the writ petition challenging the order of amendment was decided, the writ petition challenging the dismissal of the application under Order VII Rule 11 of CPC was permitted to be converted into the civil revision application. He submits that since, the amendment to the plaint was carried out, subsequent to the filing of the civil revision application and the amended plaint was not served upon the applicants, the writ petition was filed with an unamended plaint. He, however, submits that there is no suppression, as the proposed amendments were before this court in the separate writ petition challenging the order permitting the amendment.

4. Learned counsel for the defendants points out that though the petitioner had filed an affidavit-in-reply to the writ petition, no grievance was made regarding the unamended plaint and even the petitioner had never placed on record the amended plaint in his reply. He further submits that even if

the amended plaint is perused, it is clear that no cause of action is seen pleaded in the plaint. Hence, there is no ground made out to review the order admitting the civil revision application and granting interim relief.

5. I have carefully perused the papers of the review petition and the civil revision application. The unamended plaint is annexed to the civil revision application. However, the writ petition challenging the order allowing amendment of the plaint was also before this court when the writ petition was permitted to be converted into the civil revision application. I, therefore, do not see any suppression as alleged by the petitioner. It appears that since, the order of amendment was passed on the same day when the application under Order VII Rule 11 of the CPC was rejected, the writ petition was filed with the unamended plaint. The petitioner does not dispute that the amended plaint was not served upon the defendants when the writ petition was filed. Hence, I do not see any suppression or deliberate attempt on the part of the defendants in not filing the amended plaint.

6. I have perused the amended plaint annexed to this review petition. The civil revision application is admitted for

final hearing and the merits of the order passed under the application under Order VII Rule 11 of the CPC is yet to be examined on merits. Not filing of the amended plaint would not be a ground to review the order admitting the civil revision application and granting interim relief. Even in this review petition though the petitioner relies upon the amended paragraphs of the plaint, he relies upon the unamended paragraph 11 of the plaint to support his submissions regarding the cause of action pleaded in the plaint. Since, the civil revision application is yet to be decided on merits, I do not find it appropriate to record any observations on the merits of the cause of action pleaded by the plaintiff. At the time of final hearing of the civil revision application, the issue regarding the effect of the amendment to the plaint for the purpose of deciding the application under Order VII Rule 11 (a) of the CPC can always be considered.

7. The defendants shall take appropriate steps to file the amended plaint in the civil revision application. I do not find any ground to review the order.

8. The review petition is therefore rejected.

[GAURI GODSE, J.]