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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 4263 OF 2018  
WITH  
INTERIM APPLICATION NO. 3200 OF 2026**

Mr. Desmond Lawrence Godinho                      ...      Petitioner

Vs.

Smt. Johns Rosalind Saint                      ...      Respondents  
Prix and Others

Mr. A. J. Almeida for the Petitioner.

Mr. G. S. Godbole, Senior Advocate a/w. Mr. Shon Gadgil i/b.

Ms. Merlyn Dias for Respondent Nos. 3 and 4.

**CORAM : GAURI GODSE, J.**

**DATE :      27<sup>th</sup> APRIL 2026**

**ORDER :**

**Interim Application No. 3200 of 2026**

1.      This application is for bringing on record names of heirs and legal representatives of deceased sole petitioner.
2.      In the facts and circumstances of the case and for the reasons stated in the application, delay is condoned and the application is allowed in terms of prayer clause (b), (c) and (d). Amendment to be carried out within two weeks.
3.      Interim application is allowed in the aforesaid terms.

**Writ Petition No. 4263 of 2018**

4. This petition is filed by the original plaintiff to challenge the order passed by the trial court partly refusing the amendment application. Respondent nos. 1 and 2 are original defendant nos. 1 and 2 against whom the suit has proceeded ex-parte. Respondent nos. 3 and 4 are the subsequent purchasers in view of the transaction executed during the pendency of the suit.

5. Learned senior counsel appearing for respondent nos. 3 and 4 waives notice for final disposal of the petition.

6. Learned counsel for the petitioner submits that the proposed amendment that is refused pertains to the conveyance dated 14<sup>th</sup> December 2012 executed by defendant nos. 1 and 2 in favour of defendant nos. 3 and 4 during the pendency of the suit. He further submits that the application was filed at a pre-trial stage. Hence, there was no reason to disallow the proposed amendment, in its entirety.

7. Learned senior counsel appearing for respondent nos. 3 and 4 submits that if the amendment is allowed, the said

respondents be permitted to file their additional written statement.

8. I have perused the papers. There is no dispute that the proposed amendments that are refused pertain to the transactions entered into interse between the defendants during the pendency of the suit. Hence, I see no reason why the proposed amendment be disallowed.

9. The plaintiff is entitled to bring on record the subsequent development and seek appropriate relief in view of the subsequent events. The suit being at a pre-trial stage no prejudice would be caused to the defendants in view of the proposed amendment. The defendants are always at liberty to file their written statement in response to the amended plaint.

10. This is therefore a fit case to exercise the discretionary jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order. The writ petition is allowed by passing the following order :

(i) The impugned order dated 10<sup>th</sup> January 2018 passed by the City Civil Court, Dindoshi, Mumbai in Chamber

Summons No. 716 of 2017 in S.C. Suit No. 1562 of 2011 to the extent of refusal to carry out amendment as mentioned in the operative order is quashed and set aside. The Chamber Summons No. 716 of 2017 is allowed in its entirety. The plaintiff is permitted to carry out amendment in terms of Schedule I to the Chambers Summons.

(ii) Learned advocate for the plaintiff shall be permitted to carry out amendment within four weeks from the date of production of authenticated copy of this order before the trial court.

(iii) Amended copy of the plaint shall be served upon defendant nos. 3 and 4. They shall be allowed to file their additional written statement in response to the amended plaint within four weeks from the date of service of the amended plaint.

(iv) The writ petition is allowed in the aforesaid terms.

**[GAURI GODSE, J.]**