

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 373 OF 2026

Vilas Keshav Joshi

..Petitioner

Versus

Anand Arun Joshi and Ors

...Respondents

Mr. Mandar Limaye, for the Petitioner.

Adv Devashri Karandikar, i/b Saurabh Railkar, for Respondent No.1
(through VC).

Mr. Vedant Bende, for Respondent No.2.1.

CORAM: N. J. JAMADAR, J.

DATE : 20th JANUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the Petitioner.
2. Ms. Karandikar, the learned Counsel submits that she has instructions to appear on behalf of Respondent No.1 and seeks time to file vakalatnama. Let the vakalatnama be filed within a period of one week.
3. The challenge in this Petition is to an order dated 14th November 2025 passed by the learned Civil Judge, Senior Division, Pune, whereby the learned Civil Judge has allowed the Application preferred by Respondent Nos.1-Plaintiff to carry out the amendment in compliance with an earlier order passed by the learned Civil Judge on the

Applications (Exhibits 54 and 56), dated 11th July 2019, to bring on record, Vanita Vilas Joshi, as the legal representative of deceased-Defendant No.2.

4. The grievance of Mr. Limaye is that, Respondent No.1-Plaintiff did not comply with the said order dated 11th July 2019 for four years and, thereafter, filed Writ Petition, being Writ Petition No. 4853 of 2024, assailing the said order. The said Writ Petition was dismissed on 18th June 2024. After more than 11 months, the Respondent No.1 filed Application to carry out amendment in accordance with the order passed by the trial Court on Application Exhibit 56, by incorrectly contending that there was delay of 11 months only. By the impugned order, the learned District Judge causally allowed the Application by imposing cost of Rs. 5000/-.

5. It is a matter of fact that the Writ Petition filed by Respondent No.1 assailing the said order passed by the trial Court was dismissed on 18th June 2024. Indeed, there is delay on the part of the Respondent No.1-Plaintiff in carrying out the amendment in terms of the order passed by the trial Court on Application (Exhibit 56). However, the impugned order promotes the cause of substantive justice.

6. The learned Civil Judge, in the circumstances of the case, has justifiably exercised the discretion to allow the Respondent No.1 – Plaintiff to carry out amendment by awarding costs of Rs.5,000/- . This

Court does not find such legal infirmity in the order so as to exercise the supervisory jurisdiction.

7. The grievance of the Petitioner can be taken care of by now directing the learned Civil Judge to hear and decide the suit as expeditiously as possible.

8. The Writ Petition, thus, stands dismissed.

9. The learned Civil Judge seized with Special Suit No. 219 of 2005 is requested to hear and decide the suit as expeditiously as possible and, preferably, within a period of one year from the date of communication of this order.

[N. J. JAMADAR, J.]