



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2258 OF 2026**

Sunil Shripat Ambre and Anr.

...Petitioners

V/s.

Vilas Ganpat Bhoir since deceased
through LRs-

1.A Smt. Kamal Vilas Bhoir and Ors.

...Respondents

Mr. Sham S. Thakur *for the Petitioners.*

CORAM: SANDEEP V. MARNE, J.

DATED: 5 MARCH 2026.

P.C.:

1) Petition challenges order dated 6 January 2026 passed by the learned Principal District Judge, Thane, dismissing Application for amendment of the Plaint at Exhibit-8 filed in Regular Civil Appeal No.155 of 2019.

2) I have heard Mr. Thakur, the learned counsel appearing for the Petitioners and considered the submissions canvassed by him.

3) Plaintiffs' Suit is for declaration of tenancy, which has been dismissed. In the pending Appeal, Plaintiffs filed application for amendment of Plaint for the purpose of bringing on record copy of Leave and License Agreement relied upon by Respondents/Defendants.

4) In my view, the learned Judge has rightly concluded that Plaintiff's declaration of tenancy would not depend on Leave and License Agreement relied upon by the Respondent /Defendant. If Respondents/ Defendants have filed proceedings before the Competent Authority based on Leave and License Agreement, it is for the Plaintiffs to defend the same. In a Suit for declaration of tenancy, issue of License cannot be mixed up. Application for amendment is rightly rejected by the learned Judge by observing that Plaintiff is attempting to protract decision of the Appeal. The learned Judge has also rightly concluded that real intention behind mixing the issue of license in pending Appeal is to protract the proceedings before the Competent Authority.

5) No interference is warranted in the impugned order. Writ Petition is accordingly **dismissed**.

[SANDEEP V. MARNE, J.]