

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3329 OF 2026

M/s. Om Promoters & Developers

..Petitioner

Versus

M/s. Shalaka Properties India

Pvt. Ltd. & Ors.

...Respondents

Mr. Manan Sharma, for the Petitioner.

Mr. Avinash B Avhad, for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : 18th MARCH 2026

Oral Order :

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 23rd September, 2025 passed by the Civil Judge, Pune whereby an application preferred by the petitioner/plaintiff to lead evidence in the context of contentions in the written statement and also file a rejoinder, came to be partly allowed by granting permission to the plaintiff to lead evidence while rejecting the permission to file rejoinder.
3. The petitioner/plaintiff filed the aforesaid application after the Defendant Nos. 1 to 8 filed their say to the application for temporary injunction which came to be adopted as the written statement.

4. From the perusal of the application (Exh. - 42), it becomes abundantly clear that, what the petitioner intended to file in response to the contentions in the written statement was the additional evidence and documents, albeit, in the last sentence of the prayer, it is mentioned that, the plaintiff be allowed to file suitable counter affidavit/rejoinder in the matter.

5. The learned Civil Judge after adverting to the provisions contained in Order VIII Rule 9 of the Code of Civil Procedure, 1908, recorded a finding that, the plaintiff has not made out a case for grant of leave to file pleading subsequent to the written statement. The view taken by the learned Civil Judge cannot be faulted at.

6. The application filed by the plaintiff seeking leave to file the rejoinder, even if it is construed to be so, is as vague as it could be. The tenor of the application is that, in relation to the contentions in the written statement the plaintiff intended to file documents/additional evidence including electronic evidence. No reference was made to any particular part of the written statement which warranted further pleading on behalf of the plaintiff.

7. In these circumstances, the learned Civil Judge has correctly exercised the discretion not to grant permission to file

further pleading in response to the written statement, while granting leave to tender evidence. No interference is warranted in the impugned order.

8. The Writ Petition stands dismissed.

[N. J. JAMADAR, J.]