



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4240 OF 2026

United India Insurance Co. Ltd.

...Petitioner

V/s.

Cambata Trust and Ors.

...Respondents

Mr. K.N. Kandekar *for the Petitioner.*

Ms. Rhia Mehta and Ms. Janani Sivaraman i/b. M/s. RHP Partners for the Respondents.

CORAM: SANDEEP V. MARNE, J.

DATED: 10 APRIL 2026.

P.C.:

1) Petition challenges order dated 23 February 2026 passed by the Small Causes Court, allowing application at Exhibit-48 for amendment of the Plaint and permitting the Plaintiff to amend the Plaint so as to incorporate a prayer for recovery of costs incurred for carrying out repairs in the suit premises.

2) Petition is thoroughly misconceived and proceeds on a footing as if the the Trial Court has concluded that a damage is caused to the suit premises and that the Plaintiff has actually incurred amount of Rs.1.50 crores towards repairs and refurbishment. As of now, what is done by the Trial Court is only to permit inception of amended prayer in

the Plaintiff. Whether damage is actually caused or not and whether the Plaintiff is entitled to recover the demanded amount are issues still at large, which would be decided on completion of trial of the Suit. The amendment otherwise does not change nature of Suit. Having recovered possession, Plaintiff is now seeking to recover *mesne* profits from the Defendant. Amendment only incorporates prayer for recovery of alleged amount spent by the Plaintiff in repairing and refurbishing the premises. In that view of the matter, no interference is warranted in the impugned order.

3) Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]