

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5202 OF 2026

Bhavesch Umeshchandra Mishra ..Petitioner

Versus

Manorama Chandraprakash Mishra and Ors ...Respondents

Mr. Surendra R Yadav, for the Petitioner.

Mr. Sandeep Maurya, with Simran Vishwakarma and Neha Shaikh, for
the Respondents.

CORAM: N. J. JAMADAR, J.

DATE : 21st APRIL 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
 2. The challenge in this Petition is to an order dated 4th April 2026, passed by the learned Judge City Civil Court, Mumbai, whereby an application filed by the Petitioner to hear the Chamber Summons taken out by the Petitioner to remove page 32 i.e. license, bearing license no. 890651630, issued by "L" ward in respect of Gala No. A/1 and replace the same with license, bearing license no. 890651601, in respect of Gala no.2 issued in the name of the Plaintiff, came to be rejected.
 3. The learned Judge, City Civil Court was of the view that the said Chamber Summons was taken out for replacing the documents after the Notice of Motion was part-heard. Therefore, the Application taken out
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by the Plaintiff for hearing of the Chamber Summons, came to be rejected.

4. The learned Counsel for the Petitioner submitted that the Petitioner intended to replace the document appended to the Plaint, before the Notice of Motion was heard and decided. The Petitioner would suffer grave prejudice if the production of the document which is required to be considered at the stage of deciding the Notice of Motion is not allowed.

5. In opposition to this, the learned Counsel for the Respondents submitted that the Notice of Motion was fully heard and, thereafter, when the Court inquired with the Plaintiff to place on record documents to substantiate his claim, the instant Chamber Summons was taken out. Therefore, the learned Judge, has not committed any error in rejecting the Application to hear the Chamber Summons first.

6. The matter is at nascent stage. The prayer in the Chamber Summons is to replace the licence with the licence which the Plaintiff considers is the correct document to be considered, while hearing the Notice of Motion. The Chamber Summons is, thus, required to be heard before the Notice of Motion is taken up for final decision.

7. At the stage of consideration of an Application for grant of temporary injunction, if a party intends to place on record a document which may not have been annexed at an earlier point of time, ordinarily,

such a prayer ought to be considered favoruably. The said course would avoid unnecessary remand of the proceedings in the event the parties are aggrieved by the order.

8. Therefore the impugned order stands quashed and set aside.

9. The learned Judge, City Civil Court is requested to hear the Chamber Summons No. 1300 of 2023 before deciding the Notice of Motion No. 2292 of 2023.

10. The Petitioner shall not seek any adjournment either for the hearing of the Chamber Summons or the Notice of Motion.

11. Petition disposed.

[N. J. JAMADAR, J.]