



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6035 OF 2026**

Rajendra Ganpati Patil and Anr. ... Petitioners
versus
Amit Enterprises Housing Ltd. and Ors. ... Respondents

Ms. Minal Chandnani, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 5 MAY 2026

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 17 April 2023 passed by the learned Civil Judge, Sr. Division, Pune, whereby the application preferred by the Petitioners seeking permission to carry out amendment in the plaint, after the expiry of the period of 14 days granted by the trial Court, came to be rejected.
3. The application seeking permission to carry out amendment was filed after five months of the aforesaid order dated 21 November 2022. The learned Civil Judge was of the view that the amendment was required to be carried out within a period of 14 days and there was no provision to allow a party to carry out amendment after the expiry of 14 days. Taking the aforesaid view, the learned Civil Judge rejected the application by ascribing such singular reason.

4. It appears that the attention of the learned Civil Judge was not drawn to the provisions contained in Section 148 of the Code of Civil Procedure, 1908, which empowers the Civil Court to extend the time. Learned Civil Judge ought to have considered the justifiability of the application seeking permission to carry out amendment in accordance with the order dated 21 November 2022. However, since the application came to be rejected under an erroneous impression that there was no provision for extension of time beyond the period of 14 days, the impugned order deserves to be quashed and set aside, without notice to the Respondents, and the Application (Exh.36) remitted back to the trial Court for afresh decision in accordance with law.

5. Hence, the following order :

ORDER

- (i) The Writ Petition stands partly allowed.
- (ii) The Application (Exh.36) stands remitted back to the learned Civil Judge for afresh decision in accordance with law, by providing an opportunity of hearing to the parties.

(N.J.JAMADAR, J.)