

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 7075 OF 2025
IN
SUIT NO. 77 OF 2024
WITH
SUIT NO. 77 OF 2024**

Amjad Anwar Shahbazker and Anr. ... Applicants/Plaintiffs

V/s.

Mikhail Asif Shahbazker and Anr. ... Defendants

Mr. Kshitij Madekar with Sachin Kudalkar with Murari Madekar i/b. M/s.
Madekar & Co. for the Applicants/Plaintiffs
Mr. Shoaib Menon for the Defendants

CORAM : FARHAN P. DUBASH, J.

DATE : 17TH JANUARY 2026

P.C. :

1. This Interim Application is not on Board and is taken on Board by consent of parties.
2. The present Interim Application seeks amendment of the Suit which is filed by the Plaintiffs for administration of the estate of Mr. Asif Shahbazker, the brother of Applicant No.1 and son of Applicant No.2.

3. A perusal of the Interim Application and the proposed amendment that is sought in the Schedule at Exhibit A thereto would reveal that the Applicants seek to bring two facts on record: The first is what they say is a claim for interest whilst the other is to bring on record the formal divorce of the Deceased and his second wife.

4. Mr. Menon, learned Counsel who appears on behalf of all the Defendants opposes the proposed amendment. He submits that by this amendment, the entire nature of the Suit is sought to be changed. He further states that by virtue of the proposed amendment, the Plaintiffs are introducing their own claim to the estate of the Deceased which fact was known to them well in advance and therefore, this amendment is made at a belated stage and ought to be rejected.

5. Having considered the submissions made by both the parties and keeping in mind that the matter is at a pre-trial stage inasmuch as Issues have also not been settled, this Court is satisfied that for the reasons set out in the Interim Application, the Applicant/Plaintiff be permitted to amend the plaint. The proposed amendment does not change or alter the nature of the Suit as contended by the Defendants.

6. Accordingly, by keeping open all rights and contentions of the Defendants, the following order is passed :-

ORDER

(i) The Applicants/Plaintiffs are permitted to amend the plaint in terms of the proposed amendment set out in the Schedule annexed at Exhibit A to the present Interim Application.

(ii) The Interim Application is disposed of with no order as to costs.

7. This amendment shall be carried out on or before 28th January 2026 and a copy of the amended plaint shall thereafter be served on the Defendants and an Affidavit-of-Service to that effect shall be filed on or before 4th February 2026.

8. The Defendants are thereafter permitted to file an additional Written Statement to the amended plaint which shall be filed and served on or before 11th March 2026.

9. Place the matter for further directions on 16th March 2026.

(FARHAN P. DUBASH, J.)

Jyoti Pawar

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