

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13472 OF 2025

Multi Commodity Exchange of India ... Petitioner
Limited

V/s.

Satish Kumar K. Shah ... Respondent

SWAROOP
SHARAD
PHADKE

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SWAROOP SHARAD
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Date: 2025.11.06
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Mr. Sameer Pandit with Sarrah Khambati, Aastik Agarwal i/by Wadia
Ghandy and Co., for the petitioner.

CORAM : N.J. JAMADAR, J.
DATE : 3RD NOVEMBER 2025.

PC:

1. Heard the learned counsel for the petitioner.
2. An arguable question as to whether the Trial Court was justified in holding that an amendment in the plaint, even in respect of the impleadment of the party as a defendant, relates back to the date of the institution of the suit without the Court having passed a specific direction that the defendant shall be deemed to have been impleaded as a party defendant from a date anterior to the date of the order on the application for amendment, arises for consideration.
3. Issue notice to the respondent, returnable on 11th December 2025.

4. In addition to notice through Court, the petitioner is at liberty to serve the respondent by private service and file an affidavit of service.

5. In the meanwhile, the Trial Court is requested to defer the hearing in Commercial Suit No. 90 of 2024 beyond 11th December 2025.

(N.J. JAMADAR, J)