

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5661 OF 2012

Ajay Dalsukhlal Goradia and Ors.] ... Petitioners

Versus

Mahendra Ratilal Shah.] ... Respondent

Mr. Ashwin R. Rana for Petitioners.

CORAM :- M. S. SONAK, J.
DATE :- AUGUST 31, 2015

P. C. :-

1. Heard learned Counsel for both the parties.
2. This petition is directed against the order dated 21/03/2012 by which the Petitioners-Plaintiffs were declined leave to amend the plaint.
3. The Full Bench of this Court, in the case of ***Bhartiben Shah and Anr. Vs. Gracy Thomas & Ors.***¹, has ruled that an order refusing leave to amend the plaint or written statement, where the proposed amendment is for assertion of rights or liabilities under the Rent Act or any other substantive law. In view of the aforesaid, there

¹ 2013(2) Mh.L.J. 25

is no necessity to entertain the present petition. However, if the Petitioners institute the revision application under Section 34(4) of the Maharashtra Rent Control Act, 1999 within a period of four weeks from today, then the Revisional Authority is directed to consider such Revision Application on merits without adverting to the issue of limitation.

4. All concerned to act on basis of authenticated copy of this order.

5. It is made clear that this Court has not examined the merits of the matter and therefore all contentions of all the parties on the merits of the matter are specifically left open.

(M. S. SONAK, J.)