

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6474 OF 2012

Ajay Dalsukhlal Goradia and Anr.] ... Petitioners

Versus

Dipchand Tribhuvandas Sanghavi]
 (Since Deceased)]
 1. Kirit Dipchand Sanghavi and Ors.] ... Respondents

Mr. Ashwin R. Rana for Petitioners.

Mr. Akshay Bobde i/b Mr. Prakash D. Goriya for Respondents.

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

¹ 2013(2) Mh.L.J. 25

Rent Act or any other substantive law. Accordingly, there is no reason to entertain the present petition. However, considering the circumstance that this petition had been filed in June 2012 i.e. within less than 3 months from the date of the impugned order and the same is being disposed of today, it is only appropriate that the Petitioner is afforded a hearing by the Revisional Authority on merits. If, therefore, the Petitioner institutes the Revision Application within a period of four weeks from today, then the Revisional Authority to consider the same on merits and 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.)