

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**WRIT PETITION NO.503 OF 2014**

(Mohanlal s/o Kesrimal Agrawal ..vs.. Santosh s/o Dinkar Deshmukh and others)

-----  
Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
-----

Court's or Judge's orders

**CORAM : Z.A. HAQ, J.**

**DATED : 16-11-2015**

Heard Shri A.V. Bhide, learned Advocate for the petitioner, Shri M.V. Mohokar, learned Advocate for the respondent Nos.1 to 4 and Shri Mukund Ekre, learned Assistant Government Pleader for the respondent Nos.6 and 7.

None appears for the respondent No.5 though notice for final disposal is served.

2. The petitioner/original defendant No.4 takes exception to the order passed by the trial Court, allowing the application (Exhibit No.124) filed by the respondent Nos.1 to 4/original plaintiffs, under Order VI Rule 17 of the Code of Civil Procedure seeking permission to amend the plaint.

3. The contention of the petitioner/original defendant No.4 is that the amendment sought by the respondent Nos.1 to 4/original plaintiffs cannot be permitted as the claim made by the amendment is barred by limitation. The learned trial Judge has allowed the

application (Exhibit No.124), considering all the relevant aspects and the objections raised on behalf of the petitioner/original defendant are kept open for decision on merits. In my view, the order passed by the learned trial Judge allowing the application (Exhibit No.124) and permitting the respondent Nos.1 to 4/ original plaintiffs to amend the plaint, cannot be faulted with. The petitioner has not been able to point out any patent illegality or error of jurisdiction which necessitates the interference by this Court in the extra-ordinary writ jurisdiction. However, it is clarified that the amendment sought by the respondent Nos.1 to 4/original plaintiffs by the application (Exhibit No.124) shall be treated to be effective from the date on which the application (Exhibit No.124) came to be filed.

4. With the above modification in the impugned order, the writ petition is disposed. In the circumstances, the parties to bear their own costs.

**JUDGE**