

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

21 WRIT PETITION NO. 12193 OF 2016

MICROVISION TECHNOLOGY THROUGH ITS
PROPRIETOR ATUL NEMICHAND DHADIWAL
VERSUS
DHULE MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER AND ANOTHER

Shri. A.P. Bhandari, Advocate, for petitioner.

CORAM: T.V. NALAWADE, J.

DATE : 13 DECEMBER 2016

ORDER:

1) The petition is filed to challenge the order made by the learned Civil Judge Senior Division Dhule on Exhibit 52 in Special Civil Suit No.98/2012. Heard learned counsel for the petitioner.

2) The suit is filed by the petitioner for recovery of amount of Rs.58.8 lakh which is the amount in respect of work executed by the petitioner for respondent, a Corporation. The suit was filed in the year 2012. Amendment application came to be filed on 30-3-2016. In the amendment application the petitioner prayed for

allowing him to include more claim which is in respect of use of Energy Saver Panels (maintenance charges at the rate of Rs. One lakh per month) for the period from 24-3-2011 to 23-10-2011. The submissions made show that final bill was already prepared and the panels were removed in October 2011. Thus, in fact, the cause of action took place in October 2011 and the suit was filed in the year 2012. If at all there was such claim it was within the knowledge of the plaintiff. Further the cause of action took place in October 2011 but the plaintiff filed application for amendment on 30-3-2016. Thus the application itself was hopelessly time barred. Learned counsel for the petitioner has placed reliance on a case reported as **2007(1) Mh.L.J. 331 (Bharat Petroleum Corporation Ltd. v. Precious Finance Investment Pvt. Ltd.)**. Facts and circumstances of each and every case are always different. The trial Court has not committed any error in rejecting the application. The petition stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

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