

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

906 WRIT PETITION NO. 10603 OF 2016

MANIK ANANTA TAMBE AND ANOTHER
VERSUS
RAJABAHAU MACCHINDRA GAIKWAD AND OTHERS

...
Advocate for Petitioners : Barate Annasaheb R

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CORAM : T.V. NALAWADE, J.
DATED : 18th October, 2016.

ORDER :

1. The petition is filed to challenge the order made on Exh. 58 in Regular Civil Suit No. 86/2011 (New Number 36/2012) by the learned Civil Judge, Junior Division, Bhoom. Heard the learned counsel for petitioners.

2. The suit is filed by respondents for relief of compensation in respect of the death of Usha Gaikwad, who died due to current of electricity on 6.9.2008. The suit was filed in the year 2011 and the compensation of Rs. 2.5 lakh with interest at the rate of 16% p.a. was claimed against the present petitioners and the Corporation, supplying electricity. The application for amendment was filed on 29.9.2016 to make the claim as Rs. 4 lakh. This amendment is allowed by the Trial Court. The learned counsel for petitioners submitted that the evidence of both the

sides is closed and when the matter was fixed for final argument, amendment was sought and it is allowed.

3. It can be said that the point of limitation may be involved in such a matter as the death took place on 6.9.2008 and application for amendment was made on 29.9.2016. If the Trial Court considers this point at the time of deciding the matter, the purpose of the present petition will be served. With that direction, the present proceeding is disposed of.

4. Authenticated copy is allowed.

[T.V. NALAWADE, J.]

ssc/