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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 1196 OF 2015

Mr. Mahavir Babulal Parekh and Anr. ... Petitioners.

V/s.

Phootarmal Santokchandji. ... Respondent.

Mr. P.J. Thorat i/b. S.K. Jain & Assoc. for the Petitioners.

Mr. Rushabh Thacker i/b. Yashpal Jain for the Respondent.

CORAM : N.M. Jamdar, J.

31 August, 2016.

Oral Order :-

By this Petition the Petitioner challenges the order passed by the learned City Civil Court Judge, Mumbai dated 20 December 2014 allowing the Chamber Summons taken out by the Respondent – Plaintiff for amendment of the plaint. The amendment was moved in the suit when the trial in the suit has not yet commenced. At this stage, the Court generally takes lenient view while granting amendment unless the exceptions indicated are present. The contentions advanced by the learned Counsel for the Petitioners is that the relief sought for in the amendment is barred by limitation and under Order II Rule 2 of the Code of Civil Procedure.

2. Considering the stage at which the amendment is moved, I am not inclined to interfere with the discretionary order passed by the learned City Civil Court Judge. The Petitioner will get full opportunity to contest the amended plaint. As regard the issue of limitation and whether it will relate to the date of filing the suit, is kept open to be considered at the time of hearing of the suit. All contentions of the parties in that regard are kept open. The Writ petition is accordingly disposed of.

(N.M. Jamdar, J.)