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Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3110 OF 2018**

M/s. Dalal and Company Petitioner.
V/s
Dr. Nitin Sangamnerkar and Anr. Respondents.

Mr. Harshand A. Sathe for the Petitioner.
Mr. Ravindra S. Pachundkar for Respondent No.1.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 15, 2019

P.C.:-

1] The only contention of the learned Counsel for the Petitioner is, while passing the order impugned dated 20/02/2013, the issue as regards limitation about impleadment of new parties was kept open qua cause of action in the suit. According to him, it should not be construed to mean that suit itself was brought at a belated stage against the newly added parties.

2] The learned Counsel for the Respondents submits that the learned Civil Court, at an appropriate stage, will look into the matter and it is premature to comment on the said issue to mean that the suit was not brought within limitation against the parties who are

subsequently impleaded. As such, according to him, Petition is liable to be dismissed.

3] Perused the impugned order.

4] The Petitioner has been permitted to implead the parties who are described in para 7-B of the Application i.e. Exhibit-47, subject to payment of costs. The question, as to whether the suit or action thereunder was brought within limitation against such parties who are impleaded by virtue of the impugned order, in my opinion, need not be gone into at this stage, particularly when it is premature to comment about the same, as the issue is not adjudicated.

5] Keeping the above option open to the Petitioner to raise the challenge, if any adverse order to the interest of the Petitioner is passed to that effect at appropriate stage including final hearing, no interference is warranted in the impugned order. Petition fails and the same stands dismissed.

(NITIN W. SAMBRE, J.)