

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

WRIT PETITION NO.2698 OF 2019

Meenagauri w/o Hasmukh Mehta

-vs-

Kishor Shyamjibhai Mehta and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. S. Manohar, Advocate for petitioner.

Shri S. O. Ahmed, Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.

DATE : April 16, 2019

The petitioner has challenged the order passed below Exhibit-245 whereby the amendment to the plaint has been permitted as a result of which the petitioner has been added as defendant No.13 in the suit.

2. After arguing the writ petition for some time, the learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to urge the aspect with regard to the effect of the provisions of Section 21 of the Limitation Act, 1963 in the suit itself. It is informed that the suit is fixed for leading evidence by the petitioner.

3. The learned counsel for the respondent No.1 does not object to the legal aspect of limitation being urged when the suit is heard on merits. In view thereof the writ petition is permitted to be withdrawn. The petitioner is at liberty to raise a challenge to the order passed below Exhibit-245 in appeal if the occasion arises. Similarly the petitioner is at liberty to advance arguments based on the provisions of Section 21 of the Limitation Act, 1963 when the suit is finally heard.

Writ Petition is disposed of as withdrawn. No costs.

JUDGE