

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO.275 OF 2020

HANUMANT SHANKARRAO KADAM
VERSUS
SUDHAMATI YOURAJ MUNDHE AND ANOTHER

...

Mr. Narsing B.Jadhav, Advocate for the petitioner.

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CORAM : **Rohit B. Deo, J.**

DATE : 15th January 2020.

PER COURT :-

. The petitioner is the plaintiff in Regular Civil Suit No. 604/2016 who is aggrieved by the order dated 04.09.2018 whereby the trial Court permitted the defendant to amend written statement.

2. The only averment which is introduced by amending the written statement is that the suit of the plaintiff is time barred and is liable to be dismissed.

3. The suit which is instituted in the year 2016 seeks declaration that the sale deed executed in favour of defendant No.1 in favour of 1988, was without consideration and therefore null and void.

4. The trial Court has correctly observed that even in the absence of specific submission that the suit is barred by limitation, Section 3 of the Limitation Act, 1963 would come into play.

5. I do not see any prejudice caused to the plaintiff.

6. The petition is without substance and is rejected.

7. The trial Court is requested to expedite the suit.

(ROHIT B. DEO, J.)

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