

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 2189 OF 2023****Tukaram Mahdev Bhoy****..... Petitioner****VERSUS****Lata Baban Patil & Ors.****..... Respondents**

Mr.Vilas N.Mali for the Petitioner.

CORAM: RAJESH S. PATIL, J.**DATE : 29th NOVEMBER, 2023****P.C. :-**

This writ petition challenges the judgment and order dated 2 January, 2019 passed by the Civil Judge, Junior Division at Roha thereby challenging the order passed in the amendment application of the petitioner/plaintiff which was partly allowed.

2. By the impugned order, the amendment of adding proposed respondent nos. 22 to 28 was allowed. However, adding proposed respondent nos. 29 to 31 was not allowed. Therefore, the present writ petition has been filed.

3. The impugned order records that on 23 February, 1983 there is a sale deed pursuant to which respondent nos. 29 to 31 had purchased a

part of the suit premises. Therefore, on the ground of limitation, the Civil Judge, Junior Division, Roha has dismissed the application partly.

4. Learned counsel for the petitioner has taken me through Interim Application No. 138/D. Learned counsel for the petitioner was not able to show even a single line in the interim application for amendment which stated as to when the plaintiff got knowledge about the sale deed dated 23 February, 1983. However, as regards, the sale deed in connection with the proposed respondent nos. 22 to 28, it has been specifically stated that on 29 November, 2017 the plaintiff got knowledge about the sale deed. Hence, the application preferred on 17 January, 2018 was allowed only as regards to joining the respondent nos. 22 to 28.

5. I found no reason to interfere in the judgment and order dated 2 January, 2019. Hence, writ petition is accordingly dismissed. No cost.

[RAJESH S. PATIL, J.]