

SA Pathan

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

WRIT PETITION NO.8553 OF 2023

Preeti Prasad

... Petitioner

V/s.

Radhabai Krushna Thakur & Ors.

... Respondent

SHABNOOR
AYUB
PATHAN

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Mr. Nishant Tripathi i/by M Tripathi & Co., for the
Petitioner.

Mr. Akshay Kulkarni i/by Ms. Shamika Ranade, for
Respondent No.6.

Ms. Shabana Sothe, for Respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 24, 2023

P.C.:

1. The challenge in this petition is to the order of allowing amendment in relation to documents/orders of the order *2008, 2009 and 2010*.

2. According to petitioner, the plaintiff got knowledge of *documents/orders* by way of written statement filed on 14 December, 2017. Therefore, it was obligatory on the plaintiff to seek declaration within three years.

3. On perusal of the impugned order, it appears that the Trial Court has been allowed the amendment without making it subject to law of limitation with the result amendment will relate back to

the date of suit. The suit was filed in the year 2014. Therefore, it is necessary in the interest of justice that this Court clarifies that amendment allowed by the Trial Court shall be subject to law of limitation. With this clarification, nothing remains to be decided in the petition.

4. The writ petition stands disposed of.

(AMIT BORKAR, J.)

Note: This Order is corrected as per order dated 25 August 2023. Corrections in paragraph Nos.1 & 2 are shown in italicize.