

Nikita

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

WRIT PETITION NO.12576 OF 2023

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Altaf Ahmed Ghulam Ahmed and Ors. ... Petitioners

V/s.

Iqbal Ahmed Mohammad Haroon ... Respondent

Mr. Anilkumar K. Patil for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 11, 2023

P.C.:

1. By the impugned order dated 8th March 2023, the Trial Court has allowed the application for amendment of the plaint to incorporate relief of the possession.
2. The plaintiff alleged that possession of the suit property was taken on 6th April 1993. According to him, based on the said fact, the Trial Court disposed of the suit as withdrawn on 6th April 1993. The plaintiff challenged the order by Writ Petition No.7374 of 2014. This Court by order dated 9th March 2022 restored the suit. On 7th December 2022 plaintiff filed application for amendment of the plaint based on cause of action of 6th April 1993.
3. Considering the facts of the case by keeping question of limitation open, the Trial Court's order need no interference.

4. The Trial Court shall decide question of limitation at the appropriate stage of the suit.
5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)