

Jvs.

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

WRIT PETITION NO. 10741 OF 2024

Shantabai Sitaram Borvadkar,	}	
through POA Ramesh Gopal Patil	}	Petitioner
versus		
Narayan Ramchandra Bhosle	}	Respondent

Mr. Lokesh Zade for petitioner.

Mr. A. V. Desai for respondent.

Digitally signed
by JAYANT
VISHWANATH
SALUNKE
Date:
2025.07.09
18:58:07 +0530

CORAM: ALOK ARADHE, C. J.

DATE: JULY 9, 2025

ORAL ORDER:

1. In this petition under Article 227 of the Constitution of India, the petitioner has assailed the validity of the order dated 15th December 2023, by which, the Trial Court has rejected the application filed by the petitioner seeking amendment of the pleadings.

2. Facts giving rise to filing of the writ petition, briefly stated, are that on 21st May 2012, the plaintiff filed the suit seeking relief of perpetual injunction. After a period of 11 years from the date of institution of the suit, the plaintiff, on 17th February 2023 filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (CPC) seeking amendment of the pleadings so as to include the relief of declaration that the sale deed dated 14th March 2012 executed in favour of the respondent is illegal.

3. The Trial Court, by the impugned order dated 15th December 2023 has rejected the aforesaid application. Hence this petition.
4. I have heard learned counsel for the parties at length.
5. The petitioner/plaintiff is party to the sale deed, therefore, the sale deed, which was executed on 14th March 2012 was well within her knowledge at the time of institution of the suit on 21st May 2012. The challenge to the sale deed dated 14th March 2012 is barred by limitation. It is trite law that if a proposed amendment is barred by limitation, the same cannot be allowed.
6. The impugned order passed by the Trial Court neither suffers from any jurisdictional infirmity nor any error apparent on the face of the record warranting interference of this Court under Article 227 of the Constitution of India.
7. In the result, the writ petition fails, which is hereby dismissed.

(CHIEF JUSTICE)