



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2522 OF 2025**

Uday Mohan Gore and Anr.	...	Petitioners
versus		
Jyotsana Chandrashekhar Revankar	...	Respondent

Mr. Nikhil N. Pawar, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 25 FEBRUARY 2025

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 15 November 2024 passed by the learned Civil Judge, Jr. Division, Miraj, whereby the application preferred by the Respondent-Plaintiff for amendment in the plaint so as to seek a relief of declaration that the Sale Deed executed in favour of the Petitioner – original landlord is not binding on the Plaintiff, was sought to be added, came to be allowed.
3. Learned Counsel for the Petitioners submitted that the Plaintiff was aware of the execution of the Sale Deed in favour of the Petitioners in the year 2011 itself, as the Plaintiff had sought impleadment of the Petitioners in the prior suit i.e. Regular Civil Suit No.53 of 2003, which was instituted against Keshav Shankar Salunkhe, landlord and vendor of the Petitioners. Eventually, the said suit came to be dismissed and the appeal preferred

against the said decree was also dismissed. Therefore, the Plaintiff could not have been permitted to now amend the plaint and seek relief in respect of the Sale Deed executed by the landlord in favour of the Petitioners.

4. The learned Civil Judge was of the view that, by the proposed amendment, the nature of the suit would not change as the Plaintiff has approached the Court with a case that the Defendant has purchased the suit property from Keshav S.Salunkhe, the landlord, during the pendency of the proceedings and the Defendants-Petitioners attempted to change the nature of the suit property by erecting the structure thereon and, hence, the suit for injunction.

5. By the proposed amendment, the Plaintiff is seeking to incorporate relief of declaration in respect of the Sale Deed executed by the landlord in favour of the Defendants. The view taken by the learned Civil Judge that there would be no change in the nature of the suit appears justifiable. However, the question as to whether in view of the non-impleadment of the Petitioners in the earlier suit i.e. Regular Civil Suit No.53 of 2003, the relief of declaration qua the instrument in favour of the Defendants by the landlord would be barred by law of limitation, would warrant adjudication. Thus, the amendment can be permitted keeping open the issue of bar of limitation qua the said relief, to be decided at the stage of the final adjudication of the suit.

6. The Writ Petition, thus, stands disposed keeping open the issue of bar

of limitation, which the trial Court shall decide at the stage of final adjudication of the suit.

(N.J.JAMADAR, J.)