

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15267 OF 2025

Narayan Shankar Thakur

...Petitioner

Versus

M/s. Villayati Ram Mittal And Ors.

...Respondents

Mr. Shriram Kulkarni, a/w Sachin Chavan, for the Petitioner.

SANTOSH
SUBHASH
KULKARNI

CORAM: N. J. JAMADAR, J.

DATED: 25th NOVEMBER, 2025

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SANTOSH
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Oral Order:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 23rd July, 2025, whereby the learned Civil Judge has allowed the application for amendment in the plaint so as to seek an additional relief in the suit in respect of the Agreement for Sale dated 10th March, 2006 that the said agreement executed by defendant Nos.1 to 13 and 14 is null and void and not binding upon the plaintiff.
3. In fact, the plaintiff has assailed the legality and validity of the consent decree which came to be passed in Special Civil Suit No.190 of 2006 based on the said Agreement for Sale dated 10th March, 2006.
4. In view of the above, when the Court expressed its disinclination to entertain the petition, as the proposed

amendment seems to be in amplification of the original case put-forth by the plaintiff, Mr. Kulkarni, the learned Counsel for the petitioner, submitted that, it be clarified that the issue of limitation would remain open for consideration on the premise that the challenge to the said Agreement for Sale dated 10th March, 2006 was laid on the date the application for amendment came to be filed.

5. In view of the judgment of the Supreme Court in the case of *Raju Thilak D. John vs. Rayappan and ors.*¹, where it is debatable whether the prayer by way of amendment would be barred by limitation, the Court is empowered to allow the amendment keeping open the issue of limitation.

6. Thus, in the case at hand, the issue of limitation with regard to the prayer in respect of the legality and validity of the Agreement for Sale dated 10th March, 2006 would be open for adjudication, at the stage of final adjudication.

7. The petition stands dismissed.

8. The petitioner would be at liberty to file an additional written statement within a period of one month from today.

[N. J. JAMADAR, J.]

1 2001(2) SCC 472.