

Mr. Pritesh Burad (through VC) with Ms. Samita Vaviya, Ms. Manali Joshi i/by Pritesh Burad Associates, for Petitioner.

DATE : 20 APRIL 2026

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 1 July 2025 passed by the learned Civil Judge, whereby the application for amendment in the plaint came to be allowed so as to add, inter alia, a prayer for declaration that the Deed of Conveyance executed in favour of the original Defendants against whom the Plaintiff had instituted a suit for specific performance of the contract be declared as null and void and not binding on the Plaintiff and also for consequential relief of injunction.
3. Learned Counsel for the Petitioner submits that the trial Court has not considered the question, whether the reliefs qua the Petitioner would be barred by law of limitation as the Petitioner was impleaded as a party Defendant in the suit on 7 April 2017.
4. The Petitioner has been impleaded in the suit as a party Defendant in

the capacity of the transferee of the person who has purportedly executed an agreement for sale in favour of the Plaintiff. The subsequent transferee is required to be joined in a suit for specific performance so that, in the event the decree for specific performance is passed, the subsequent transferee can be joined in the execution of the decree. (**Kasturi v/s. Iyyamperumal and Ors.**¹)

5. Thus, no fault can be found with the impugned order.

6. So far as the question of limitation is concerned, in view of the decision of the Supreme Court in the case of **Ragu Thilak D. John V/s. S. Rayappan and Ors.**², the issue of limitation can be kept open at the time of allowing the application for amendment. Hence, if the trial Court finds that the issue of limitation warrants adjudication, the trial Court may frame appropriate issue of limitation and decide the same at the time of final adjudication of the suit.

7. Subject to aforesaid clarifications, the Writ Petition stands disposed.

(**N.J.JAMADAR, J.)**

1 (2005) 6 SCC 733

2 (2001) 2 SCC 472