

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 10493 OF 2015

Dinkarrao s/o Ganpatrao Sanap .. Petitioner
VS
Ramrao @ Rama s/o Yallappa Gunde .. Respondent

Mr. Shailendra S. Gangakhedkar, Advocate for petitioner

CORAM : SUNIL P. DESHMUKH, J.
21ST OCTOBER, 2015

ORDER:

1. Heard learned counsel for petitioner.
2. It appears that application Exhibit-18 by petitioner-original defendant in regular civil suit no. 23 2015, requesting for framing of preliminary issue as to whether suit by respondent-original plaintiff is within limitation, has been rejected by Civil Judge, Junior Division, Aundha (Nagnath), under order dated 09-09-2015.
3. The court under its elaborate order, has rejected the request having regard to various authorities and considered that present application cannot be said to be with reference to section 9A of the Code of Civil Procedure, 1908 and, as a matter of fact, has considered that the issue sought to be raised by the

petitioner would be required to be decided on adducing evidence. The court has also considered various aspects involved in the matter, particularly in paragraphs number 5 and 6. The discussion does not appear to be skewed and without reference to the law as is prevailing being appreciated.

4. Under the circumstances, I do not think any indulgence is required to be shown to the petitioner.

5. Writ petition as such is rejected.

SUNIL P. DESHMUKH, J.

pnd