

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CIVIL REVISION APPLICATION NO. 17 OF 2015**

MAHA SEER HOTELS AND RESORTS PVT.  
LTD., REP. MR. DANIEL MOSES.

... Petitioner

Versus

MR. VIRGILO GILBERTO PINTO DE  
CARVALHO @ GILBERT PINTO AND 6  
ORS.,

... Respondents

Mr. Shivan Desai, Advocate for the Petitioner.  
Mr. S. Usgaonkar, Senior Advocate with Adv. Palyekar Vinita  
Vishram for Respondents no. 1 & 2.

Coram:- C. V. BHADANG, J.

Date:- 10th September, 2015

P.C.:

Heard Mr. Desai, the learned counsel for the petitioner and Mr. Usgaonkar, the learned Senior Counsel for the respondents no.1 and 2 for sometime.

2. The petitioner, who is the defendant no.3 had sought rejection of the plaint under Order 7 Rule 11(d) of C.P.C on the ground that the suit is barred by limitation. The Trial Court has dismissed the application inter alia on the ground that the issue of limitation is a mixed question of law and facts.

3. It is undisputed that the suit which is of the year 2012 has proceeded further in which the petitioner has filed a written

statement. In such circumstances, the Trial Court would raise appropriate issues including issue of limitation. In the given circumstances, Shri Desai, the learned counsel for the petitioner, on instructions, seeks permission to withdraw the Civil Revision application with a request that the suit may be expedited. In view of the submission, the Civil Revision application is disposed of as withdrawn. The Trial Court shall decide the suit as expeditiously as possible and preferably within a period of one year, from the receipt of this order. The parties to co operate for expeditious disposal of the suit. In the circumstances, there shall be no order as to costs.

4. Needless to mention that the Trial Court shall not be influenced by the observations made in the impugned order while deciding the suit finally.

C. V. BHADANG, J.

ap/-