

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2553 OF 2015
IN
WRIT PETITION NO.8755 OF 2015**

Cornell Housing Infrastructure Pvt Ltd.

..Applicant

Vs.

Kailash Popatlal Shah & ors.

..Respondents

**Mr. Pravin Samdani Senior Advocate with Mr. Karl Tamboly, Mr. Kunal Vajani and Mr. Raghav Gupta i/b Wadia Ghandy & Co. for the Applicant
Mr. J. P. Sen a/w Mr. Rubin Vakil, Mr. Onkar Cahndurkar, Mr. Benny Joseph and Mr. Aniruddha Lad i/b B. J. Law Offices LLP for the Respondent Nos.1 to 7, 9 to 17 and 24, 28 to 33 and 37
Mr. Prasad Dani Senior Advocate with Mrs. J. M. Shah i/b Daru Shah & Co. for the Respondent Nos.18 to 21.**

CORAM : R. M. SAVANT, J.

DATE : 9th SEPTEMBER, 2015

P.C.

1 Though the order dated 14-1-2015 passed on an application filed under Section 9A(2) of the Civil Procedure Code is taken exception to by way of the above Petition. The Learned Senior Counsel appearing on behalf of the Petitioner / Applicant on instructions states that the Petitioner / Applicant would be satisfied if the issue of limitation framed under Section 9A is directed to be decided within a particular time frame. Since the issue of limitation is now held to be an issue relating to the jurisdiction of the Court trying the Suit. In my view, it would be just and proper to direct the Trial Court to hear and decide the said issue latest by 31-12-2015 by giving proper opportunity to the

parties. It is clarified that the impugned order would continue to operate pending the determination of the said preliminary issue with liberty to the concerned party to apply for its continuation if the occasion so arises.

3 With the aforesaid directions, the Writ Petition is disposed of.

4 In view of the disposal of the above Writ Petition, the Civil Application No.2553 of 2015 filed for interim reliefs does not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed order