

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.1031 OF 2014

Mrs Sheetal Dhruv Vora .. Applicant
vs.
Hima Ameet Mehta and anr. .. Respondents

Mr. P.D. Prasad Rao a/w. Mr. Ranjit Dharmadhikari i/b. Mr. Rahul Karnik for the Applicant.
Mr. N.C. Parekh and Mr. D.V. Dave i/b Mansukhlal Hiralal & Co for Respondent No.1.

CORAM : M. S. SONAK, J.
DATE : 19 MARCH, 2015.

P.C. :-

- 1] Heard learned counsel for the parties.
- 2] In the light of decision of the Hon'ble Apex Court in case of *Kamlakar Ekanth Salunkhe vs. Baburao V. Javalkar & ors*¹, the applicants, i.e., the original defendants are permitted to withdraw their application for treating the issue of limitation, as a preliminary issue under Section 9A of the CPC. In view of such withdrawal, the impugned order dated 4 July 2014, will no longer survive.
- 3] Accordingly, it is made clear that the issue of limitation will be considered by the City Civil Court alongwith all other issues that

1 Civil Appeal No.1085 of 2015 deceased on 12 January 2015

may arise in the Suit and thereafter decide the same in accordance with law.

4] It is made clear that this Court has not examined the matter on merits and consequently, all issues are kept open for decision by the City Civil Court.

5] With the aforesaid observations, present civil revision application is disposed of.

(M. S. SONAK, J.)

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