

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 893 OF 2012**

Mr. Nanasaheb Mamasahab Hargude ..Applicant

Vs

Shri Sambhaji Dagadu Bibve and .. Respondents
Ors

Mr. Vijay Killedar, Advocate for Applicant.

Mr. Prathamesh R. Bhargude, Advocate for Respondents.

CORAM : R.G.KETKAR,J.

DATE : 19/11/2015

PC:

1. Heard Mr Vijay Killedar, learned counsel for the applicant and Mr. Prathamesh Bhargude, learned counsel for the respondents at length.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908, (for short, 'C.P.C.'), original defendant no.1 has challenged the Judgment and order dated 2.8.2012 passed by the learned Civil Judge, Senior Division, Pune in Spl. Civil Suit No.612 of 2009. By that order, the learned trial Judge held that civil court has jurisdiction to entertain and try the suit.

3. Mr. Killedar invited my attention to the prayers made in the suit and paragraphs 7 and 16 of Written Statement. He submitted that the defendants have specifically pleaded that the suit is barred by limitation.

3. The matter was argued at some length on 17.11.2015 and was adjourned till today so as to enable Mr. Killedar to take instructions from the applicant whether the applicant is pressing this C.R.A if the Court is inclined to frame issue as to whether the suit is barred by limitation.

4. Mr. Killedar states that he has obtained necessary instructions from defendant no.1 and if this Court is inclined to frame one of the issues as to whether the suit is barred by limitation or not, in that event the applicant is not pressing this C.R.A.

5. In view thereof, the Civil Revision Application is disposed of as not pressed, with direction to the trial Court to frame one of the issues, namely, whether the suit is barred by limitation or not? while framing other issues. Liberty is granted to the parties to apply for expeditious disposal of the suit in the time bound manner. If such application is taken out, the trial Court Judge shall pass appropriate orders thereon.

(R.G.KETKAR, J.)