

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 1052 OF 2014**

Indubai Undru Vaze

..Applicant

Vs.

Tulshiram Shriram Meher

..Respondent

**Mr. Harshal Sathe and Mr. Saurabh Butala for the Applicant
Ms Gauri Godse for the Respondent**

**CORAM : R. M. SAVANT, J.
DATE : 22nd JANUARY, 2015**

P.C.

1 By the impugned order dated 19-1-2014, the application Exhibit 20 which was filed for framing of preliminary issues as regards limitation in the Suit in question being Regular Civil Suit No.33 of 2014, which was rejected is taken exception to by way of the above Civil Revision Application.

2 The Learned Counsel appearing on behalf of the Applicant having regard to the inquiry that would have to be conducted in so far as the adjudication of the said issue of limitation is concerned, on instructions of the instructing Advocate Mr. Amit Karva, makes a statement that the Defendants/Petitioners herein would not press the application Exhibit 20 which they had filed for framing of preliminary issues in the Suit and would be satisfied if the said preliminary issue of limitation is considered with the other issues.

3 In view of the said statement made by the Learned Counsel for the Applicant, it is not necessary to consider the impugned order on merits. The impugned order to accordingly stand set aside. The issue of limitation would be considered by the Trial Court along with other issues that would be framed in the Suit by allowing the parties to lead evidence.

4 Needless to state that the said issue would be tried on its own merits and in accordance with law, uninfluenced by any observations which have been made in the impugned order which is set aside.

5 With the aforesaid directions, the Civil Revision Application is disposed of.

[R.M.SAVANT, J]