

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1584 OF 2013

M/s. Trimurti Enterprises	}	Petitioner
versus		
Maharashtra Housing and Area	}	
Development Authority and Anr.	}	Respondents

Mr. Pradeep J. Thorat for the Petitioner.

Ms. Aparna Murlidharan with Mr. P. G. Lad for
Respondent No. 1.

Mr. Madhur Surana i/b. Mr. S. G. Surana for
Respondent No. 2.

**CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.**

DATED :- JUNE 10, 2015

P.C. :-

After having heard both sides and finding that there are disputed questions of fact, we indicated to Mr. Thorat that the Petitioner should approach the competent Civil Court and seek such reliefs as are permissible in law. However, Mr. Thorat would submit that even if a Suit is brought in the competent Court, since the termination is effected way back in 2010, the Petitioner would be faced with bar of limitation.

2) After having heard all parties on this point, we are of the view that even if the Petitioner's opponents raised objection to the

jurisdiction of the competent Civil Court or defences such as time bar, the Petitioner has adequate legal provisions and with the aid of which he can satisfy the competent Civil Court that it has jurisdiction to entertain and try the Civil Suit and equally granting the reliefs. He can take assistance of section 14 of the Limitation Act, 1963 and particularly sub sections (1) and (2) thereof and point out that the time spent in prosecuting a Civil proceeding in this Court should be excluded while computing the period of limitation. We keep open all such contentions and we are sure that the competent Civil Court will take all the facts into account and pass appropriate orders in accordance with law. We clarify that we have not expressed any opinion on any of the contentions raised before us. The Writ Petition is accordingly disposed of.

3) To enable the Petitioner to approach the Competent Authority we direct and without prejudice to the rights and contentions of all parties that the ad-interim order passed in this Writ Petition on 4th October, 2010 shall continue for a period of 12 weeks from today.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)