

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION NO. 7543 OF 2016

M/s.Mittal Developers & ors.

.. Petitioners

Vs.

Mrs.Savitri Premji Thakkar

.. Respondent

Mr.R.V.Sipahimalani, for Petitioners.

Mr.P.J.Thorat i/b S.K.Jain & Associates, for the Respondent.

***CORAM : N.M.Jamdar, J.
Thursday, 22 September 2016.***

P.C. :

Heard learned counsel for the parties.

2 The learned counsel for Petitioners has raised a preliminary objection regarding limitation and with a request to try the issue of limitation as preliminary issue. The learned Civil Judge has noted that this Court in the order in Summons for Judgment No.272 of 2008 has observed that there are certain triable issues. The learned Civil Judge therefore, following the order of this Court has stated that the issue of limitation in this particular suit need not be raised as preliminary issue. Therefore, the learned City Civil Court Judge has not foreclosed the ground of limitation against the Petitioners. It is still open to Petitioners to urge the ground of limitation against the

Respondent-Plaintiff therefore, it is not necessary to interfere with the impugned order. Keeping all contentions of the parties open, Writ Petition is disposed of.

(N.M.Jamdar, J.)