

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

WRIT PETITION NO. 9806 OF 2016

Janabai Padu Paradhi,
R/at Karanjade, Tal. Panvel,
Dist. Raigad.

... Petitioner

v/s

Baban Mahadu Bhoir
Parvati Mahadu Bhoir,
Both r/at Karanjade,
Tal. Panvel, Dist. Raigad; & ors.

... Respondents

Mr. Sandesh Patil i/by anusha amin for the petitioner.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 23 September 2016

ORAL ORDER:

The Petitioner challenges the order passed by the learned Civil Judge, Junior Division, Panvel, dated 19 April 2016, framing a preliminary issue as regard the limitation, under Section 9A of the Code of Civil Procedure. The learned counsel for the Petitioner submitted that the reasoning given by the learned Civil Judge is not satisfactory and mechanically the issue has been framed. In the application moved by the Respondents for framing of issue of

limitation under Section 9A, the issue regarding limitation has been squarely raised by the Respondents. In view of the mandate of Section 9A, it was incumbent upon the learned Civil Judge to frame a issue. Though it is correct that the reasoning is not satisfactory, the outcome i.e. framing of issue of limitation, cannot be set aside as the framing of such an issue by the learned Civil Judge is as per the settled legal position. Therefore, only the ground that the reasoning is unsatisfactory, the impugned order cannot be interfered with.

2 The writ petition is rejected.

(N. M. Jamdar, J.)