

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8090/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Nishant Sashidharan a/w. Trupti Shetty i/b. Dhruve Liladhar & Co. for the petitioner
Ms. Sarika Mehree i/b L. J. Law for the respondent No.1.

CORAM : K. K. TATED, J.

DATE : JUNE 13, 2016

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner defendant challenges the order dated 16/02/2015 passed by the Bombay City Civil Court, Mumbai below Exhibit- 5 in Suit No.3910/2011 rejecting the application made by the defendant u/s. 9A of the Code of Civil Procedure, 1908 for framing a preliminary issue on the point of limitation.

2. The Trial Court rejected the application made by the petitioner on the ground that the question of limitation is a mixed question of law and facts. Evidence is required to be led to decide the same. Apart from that the Trial Court has

clearly held that when the issues are framed, the issue in question can be agitated & heard as a preliminary issue.

3. I do not find any reason to interfere with the Writ Petition under article 227 of the Constitution of India. Hence, same stands rejected.

JUDGE