

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

CIVIL REVISION APPLICATION NO. 661 OF 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. Rahul More for the Applicant.

**CORAM : K. K. TATED, J.
DATED : 27/06/2016**

PC.:

. Heard learned Counsel for the applicant.

2 This Civil Revision Application is preferred by Defendant No.6 challenging the order dated 28.10.2014 passed by Civil Judge, Senior Division, Panvel below Exh. 35 rejecting the applicant's application under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 by which the applicant has prayed to dismiss the respondent's/plaintiff's Regular Civil Suit No. 96 of 2013 on the ground of limitation.

3 The plaintiff filed suit for declaration that the Sale Deed dated 14.07.2006 executed between Defendant No.6 and 7 was null and void.

4 The learned counsel for the applicant submits that though the plaintiff obtained certified copies of the Sale Deed on 11.09.2006 from Joint Registrar,

Panvel, he filed the suit after three years. Hence, Defendant No.6 preferred application for dismissal of suit on the ground of limitation.

5 The learned counsel for the applicant submits that Trial Court has not considered these facts that the plaintiff on his own filed certified copies of Sale Deed dated 14.07.2006 showing that he obtained the same from Joint Registrar, Panvel on 11.09.2006. Hence, order passed by Trial Court is required to be set aside and application filed by Defendant No.6 below Exh. 35 be allowed.

6 I heard learned counsel for the applicant at length. It is to be noted that in the present proceeding, Trial Court in paragraph 7 of the impugned order specifically recorded that limitation point is required to be decided after recording the evidence. The issue about limitation is mixed question of facts and law.

7 Considering the reasons recorded by the Trial Court and as the issue of limitation is mixed question of facts and law, I do not find any reason to interfere with the impugned order dated 28.10.2014.

8 Hence, Civil Revision Application stands rejected.

(K.K.TATED, J.)