

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

**NOTICE OF MOTION NO.2467 OF 2011
IN
SUIT NO.2023 OF 2011**

Shantaram S.Patil

....Plaintiff

V/s.

Babibai M.Patil & Ors.

....Defendants

Mr.Rajesh Kachare a/w Mr.Amit Potnis i/by Tamhane & Co. for the plaintiff.

Mr.Amarendra Mishra for defendant nos.1, 3 to 8, 10 to 25.

Mr.Vasim Shaikh i/by Pravin Mehta and Mitti for defendant no.26.

**CORAM : K.R.SHRIRAM,J
DATE : 17.11.2016**

P.C.:-

1 The counsel for the applicant states that he does not wish to press this Notice of Motion and submits that the preliminary issue of limitation framed by this court under Section 9A be heard along with all other issues and the suit can proceed to trial. Mr.Mishra for defendant nos.1, 3 to 8 & 10 to 25 and Mr.Shaikh for defendant no.26 state that they have no objection.

2 In the circumstances, Notice of Motion accordingly stands disposed. The issue of limitation as framed by the Court will be taken as a first issue along with other issues. The counsel for the plaintiff also states that all defendants except defendants 2 & 9 have filed

written statement.

3 Mr.Vasim Shaikh for defendant no.26 states on instructions that defendant no.2 has expired. The counsel for the plaintiff requests that the suit be listed for directions on 25.11.2016 and on that date he will be in a position to answer the courts' query on service upon defendants 2 & 9 and also regarding legal heirs of defendant no.2. Suit be listed for directions on 25.11.2016.

(K.R.SHRIRAM,J)