

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT APPEAL No. 932 OF 2010

23-06-2016

Between:

The Senior Branch Manager, A.P. State Financial Corporation,
Anantapur, Anantapur District

... Appellant

And

Parmi Venkat Naidu and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 932 OF 2010

JUDGMENT: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Sri Y. Vivekananda, learned counsel holding for Sri Y.N. Lohitha, advocate on record for the appellant, on instructions, confines challenge to the following observation made in the concluding paragraph of the impugned order:

“In case, the suit is filed within one year from today, it shall be entertained as having been presented within limitation.”

Sri Vivekananda submits that the suit, that has been filed in pursuance of the above order, is barred by limitation under the provisions of the Limitation Act, 1963 and, therefore, the question of limitation may be kept open to be raised and considered by the Court below.

Sri Ch. Janardhan Reddy, learned counsel for respondent Nos.1 and 2 has no objection for keeping the issue of limitation open.

In the circumstances, we pass the following order:

“If the issue of limitation is raised by the appellant, the Court below shall consider the same strictly on merits, in accordance with law and uninfluenced by the aforesaid observation made in the concluding paragraph of the impugned order. In other words, irrespective of the aforesaid observation, the Court below shall examine the question of limitation in accordance with law.”

With these observations, the writ appeal is disposed of.

Miscellaneous petitions, if any, also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

23-06-2016
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