

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9440 OF 2017

Parasram Mohnaji Turatwad,
Age : 77 years, Occupation: Agriculture,
R/o : Ghungrala Tq. Naigaon,
District Nanded.

...PETITIONER

VERSUS

1. Venkati Gangaram Jadhav,
Age : 46 years, Occupation: Agriculture,
R/o : Krushnoor Tq. Naigaon,
District Nanded.

2. Santram Manika Turatwad, (Expired) ...RESPONDENTS

Mr. A. A. Mukhedkar, Advocate for the petitioner.

CORAM : SUNIL P. DESHMUKH, J.

DATE : 31st JULY, 2017

PER COURT :

1. Heard learned counsel for petitioner.
2. Looking at the pleadings, trial court has considered that point of limitation is a mixed question of law and fact, which cannot be decided as preliminary issue and it would be decided along with other issues.

3. Trial court, having regard to the nature of the case has observed in paragraphs No.11 and 12 that the issue, in the facts and circumstances of the case and the stage of proceedings, does not deserve a treatment pursuant to Section 9-A of Civil Procedure Code.

4. The order appears to be based on proper reason and does not require disturbance at this stage of the suit as trial court has observed that issue of limitation will be decided with other issues. As such the petitioner's case on said issue is not prejudiced by the order passed in trial court.

5. As such, writ petition is not entertained and stands rejected.

(SUNIL P. DESHMUKH, J.)

vjg/-