

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION**

**SECOND APPEAL NO.484 OF 2015
WITH
CIVIL APPLICATION NO.1026 OF 2015**

Shri Ranjankumar Dinkarrao Rokade ... Appellant/Applicant
Versus

Shri Rajendra Namdeo Sarode ... Respondent

.....

Mr. Ranjankumar Rokade, Appellant/Applicant in person.

Mr. P.M. Jadhav for the Respondent.

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CORAM : S.C. GUPTE, J.

DATE : 28 FEBRUARY 2017

P.C. :

. Heard the Appellant in person and learned Counsel for the Respondent.

2 This second appeal is admitted on the following substantial question of law :

Whether both Courts below were right in decreeing the suit without framing an issue as to the bar of limitation in filing the present suit in the face of pleadings before the Courts ?

3 Printing of paper book is dispensed with. The Appellant has already filed paper book of papers and proceedings before the Courts below. The Respondent is permitted to file an additional compilation, if any document

is missing from the records. Such additional compilation, if any, to be filed within eight weeks from today.

4 The Applicant/Appellant has sought a stay to the execution of the impugned judgment and decree. By an order dated 8 September 2015, this Court had stayed the execution, subject to the Applicant/Appellant's depositing the sum of Rs.1,00,000/- in the Registry within 12 weeks. The amount has been since deposited by the Applicant/Appellant. Accordingly, pending the hearing and final disposal of the present second appeal, the ad-interim stay granted by this Court on 8 September 2015 is confirmed.

5 The civil application is disposed of accordingly.

(S.C. GUPTE, J.)