

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

CIVIL REVISION APPLICATION NO.593 OF 2016

Mr. Deepak Ishwarlal Mehta	... Applicant
Vs	
Mr. Nitav Dineshbhai Batavia	... Respondent
...	

Mr. K. K. Holambe Patil for the Applicant.
Ms. Kavita Dhanuka for the Respondent.

CORAM : M. S. SONAK, J.
DATE :24 NOVEMBER, 2017

P.C. :

1. Heard the learned counsel Mr. K. K. Holambe Patil for the Applicant and Ms. Kavita Dhanuka for the Respondent.
2. The challenge in this Civil Revision Application is to the Order dated 18th July 2016 by which the learned Trial Judge has extended the benefit of Section 14 of the Limitation Act to the Plaintiffs and on the said basis, held that the suit can be regarded as instituted within prescribed period of limitation.
3. Mr. Patil, the learned counsel for the Applicant submits that the previous suit was instituted in the same Court and therefore, this is not a case of institution of a suit before a wrong forum. He submits that in

such a situation the provision of Section 14 of the Limitation Act will not apply. Mr. Patil also points out that in this case no specific application was filed seeking for extension of time in terms of Section 14 of the Limitation Act.

4. From the perusal of the impugned order, it appears that the previous suit, suffered from some technical default. It also appeared that the subsequent suit is a comprehensive suit. It is on this basis, the Trial Court has exercised discretion in favour of the Plaintiff.

5. At the stage, there is no necessity to interfere with the impugned order. However, it is clarified that if ultimately the suit is decided against the Applicant and the Applicant choose to institute a substantive appeal against such decree, the Applicant, will have the liberty to challenge the impugned order at that stage. Therefore, all contentions of all parties in this regard are kept open.

6. With the aforesaid observation, this Civil Revision Application is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)