

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

**NOTICE OF MOTION NO. 943 OF 2012
WITH
NOTICE OF MOTION NO. 321 OF 2013
IN
SUIT NO. 583 OF 2012**

Nina V.Kedar .. Plaintiff
Vs.
Prakash V. Kedar & Ors. .. Defendants

Ms.Madhu Hiraskar i/b Chitnis Vaithy & Co. for plaintiff.

Mr.S.A. Ahmed for defendant no.2.

**CORAM : K.R.SHRIRAM, J.
DATE : 20TH APRIL, 2017**

P.C.

NOTICE OF MOTION NO. 943 OF 2012

1 Mr.Ahmed for defendant no.2 states that defendant no.2 has taken out a notice of motion bearing No.943 of 2012 praying for framing of preliminary issue under Section 9A of the Civil Procedure Code, 1908 and hold that the suit is barred by limitation. Therefore the following issue is framed :

“ (i) Whether the plaintiff proves that the suit filed is within limitation?”

2 The notice of motion accordingly disposed.

3 Ms.Hiraskar for the plaintiff and Mr.Ahmed for defendant no.2 state that the issue whether three years is applicable or twelve years is applicable is the subject matter of a reference of a larger bench and it is yet to be decided. Therefore, notice of motion No. 321 of 2013 be listed after that issue is decided.

(K.R. SHRIRAM, J.)