

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (S) NO.751 OF 2016
IN
SECOND APPEAL ST. NO.9818 OF 2016
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION
VS
M/S H.P. INDUSTRIES AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V. H. Kedar, Advocate for the appellant.

CORAM : A.S. CHANDURKAR, J.
DATED : AUGUST 08, 2017.

Prayer is to condone delay in filing the second appeal.

The respondents are served but there is no appearance on their behalf. Hence, accepting the reasons mentioned in the application, the delay stands condoned.

Civil application is disposed of.

SECOND APPEAL ST. NO.9818 OF 2016.

Admit on the following substantial questions of law:

- (1) Whether the finding recorded by the appellate Court that the suit was barred by limitation is in accordance with law?
- (2) Whether the appellate Court was legally justified in considering the issue of limitation which was a mixed question of law and fact for the first time in appeal?

Hearing expedited.

JUDGE