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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10634 OF 2017

Sangeeta H. Lengare & Ors.

...Petitioners

V/s.

Abba D. Shinde & Ors.

...Respondents

Mr.Samir Kumbhakoni for the Petitioners.

Mr.Ashok B. Tajane for the Respondent Nos.1 and 2.

CORAM : R.D. DHANUKA, J.

DATE : 4TH SEPTEMBER, 2018.

P.C. :-

1. Learned Trial Court has framed the issue under section 9-A of the Code of Civil Procedure, 1908 by an order dated 19th June, 2013 “whether the suit filed is within limitation or not”.

2. The petitioners (original plaintiffs) have applied for review of the said order which application has rejected by an order dated 22nd July, 2015.

3. In view of deletion of section 9-A of the Code of Civil Procedure, 1908, the issue of limitation can be tried as one of the issue along with other issues under Order XIV Rule 2 of the Code of Civil Procedure, 1908.

4. Hearing of RCS No.234 of 2011 is expedited. The writ petition stands abated in view of deletion of section 9-A of the Code of

Civil Procedure, 1908 with aforesaid directions. There shall be no order as to costs.

5. In view of the order passed as aforesaid, learned counsel appearing for the petitioners (original plaintiffs) undertakes to withdraw the application filed by his clients before the learned Trial Court below Exhibit – 33 within two weeks from today.

(R.D. DHANUKA, J.)