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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9059 OF 2016

Mangesh D. Devre & Ors.

...Petitioners

V/s.

Runza S. Chavan & Ors.

...Respondents

Mr.Sachin Gite for the Petitioners.

Ms.Chaitrali Deshmukh for the Respondent No.6.

CORAM : R.D. DHANUKA, J.

DATE : 15TH OCTOBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 14th March, 2016 passed by the learned 5th Joint Civil Judge, Senior Division, Nashik below Exhibit – 29 in Regular Civil Suit No.245 of 2015 thereby framing a preliminary issue of limitation i.e. “Whether suit is barred by limitation ?”.

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

3. The writ petition is disposed off in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)

Vasant
Anandrao Idhol

Digitally signed by Vasant
Anandrao Idhol
Date: 2018.10.16 17:40:31 +0530