

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

WRIT PETITION NO.9563 OF 2018

Vimal Kisan Tapkir	.. Petitioner
Vs.	
Maruti Patilbuva Tupe & Ors.	.. Respondents

Mr.Sudhir V. Sadavarte for the petitioner.
None for the respondents.

CORAM : R.D. DHANUKA, J.
DATE : 5th October 2018

P.C.:

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 21st March 2018 passed by the learned Joint Civil Judge, Senior Division, Pune rejecting the application below Exhibit-188 inter alia praying for striking off the issue of limitation framed as preliminary issue and trying the said issue along with other issues under Order XIV Rule 2 of the Code of Civil Procedure, 1908.

2. In view of deletion of Section 9A of the Code of Civil Procedure, 1908 by Ordinance dated 27th June 2018, issue framed under Section 9A will have to be tried along with the other issues under Order XIV Rule 2 of the Code of Civil Procedure, 1908.

3. The impugned order dated 21st March 2018 is substituted by this order. Writ petition is accordingly disposed of. No order as to

costs. The petitioner is directed to convey this order to the respondents as well as the learned trial Judge for compliance.

R.D. DHANUKA, J.

Prachi
Pranesh
Nandiwadekar

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