

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL REVISION APPLICATION (ST) NO. 26814 OF 2018****Mrs. Vanita Balakrishna Shetty****..... Applicant****VERSUS****Chandu Sheradutt Siddhani****..... Respondent**

Mr. Akash Warang, a/w. Mr. Harshavardhan G. Khambete for the Applicant.

CORAM : R.D. DHANUKA, J.**DATE : 24th SEPTEMBER, 2018****P.C.**

The papers are allowed to be produced at 03.00 p.m.

2. By this civil revision application filed under section 115 of the Code of Civil Procedure, 1908, the applicant has impugned the order dated 30th August, 2018 passed by the learned City Civil Judge rejecting the Notice of Motion No. 2972 of 2018 filed by the applicant (original defendant) under Order VII Rule 11 of the Code of Civil Procedure, 1908 contending that the suit is barred by law of limitation on the plain reading of the plaint.

3. Learned counsel appearing for the applicant invited my attention to the orders dated 2nd December, 2015 and 11th June, 2018 passed by this court in Civil Revision Application No. 718 of 2015 thereby disposing of the said civil revision application filed by the applicant herein impugning the order dated 9th October, 2015 passed by the

learned Judge of the City Civil Court rejecting the application under section 9A of the Code of Civil Procedure on the ground of limitation.

4. By an order dated 11th June, 2018 this court has rendered a finding that the issue of limitation raised by the applicant is a mixed question of facts and law and thus the issue of limitation is to be settled under Order 14 of the Code of Civil Procedure by the trial court. This court directed the parties to lead evidence. Instead of leading evidence, the applicant filed a fresh application under Order 7 Rule 11 of the Code of Civil Procedure, 1908 again raising an issue of limitation contrary to the order passed by this court on 11th June, 2018.

5. In my view, the learned trial judge has thus rightly rejected the notice of motion filed by the applicant as misconceived. I do not find any infirmity with the impugned order passed by the learned trial judge.

6. Civil revision application is thus thoroughly misconceived and is dismissed with cost of Rs.25,000/- which shall be paid by the applicant to the Kirtikar Library, High Court within two weeks from today.

7. The receipt showing payment of cost shall be produced before the Associate of this court within one week from the date of making payment.

[R.D. DHANUKA, J.]