

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

WRIT PETITION No.1362 OF 2018

Shri Shamrao Ramchandra Shahapure & Ors. ... Petitioners

Vs.

Shri Shivaji Shankar Shahapure & ors. ... Respondents

Mr.S.S. Koregave for the Petitioners

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 3, 2018**

P.C. :

1. Learned Counsel for the petitioners submits that he has served Mr.Dalvi appearing for the respondents. However, none appears for the respondents.

2. This Writ Petition is directed against the order dated 25.7.2017 passed by the learned 7th Civil Judge Junior Division, Kolhapur. The plaintiffs have filed a suit for injunction. In the written statement, the defendants have raised a point of limitation and accordingly, the issue of limitation is framed. Therefore, the plaintiffs have challenged the said settlement of the said issue.

3. The learned Counsel for the petitioners submits that this being a suit for injunction, the cause of action arises everyday and there is no question of limitation.

4. On perusal of the written statement, it appears that the defendants have made specific contentions about limitation. In view of this, there is no substance in the challenge in the petition. No interference is called for with the impugned order. Writ Petition is, therefore, dismissed.

(MRIDULA BHATKAR, J.)