

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.15328 OF 2019

EKNATH DHARMA CHAUVAN AND OTHERS

VERSUS

YADAV RAJARAM DHANGAR

...

Advocate for Petitioners : Mr.Paresh B. Patil

...

CORAM : RAVINDRA V. GHUGE, J.

DATE : 18th December, 2019.

PER COURT :-

1. The petitioners, original defendants in Regular Civil Suit No.160/2014, are aggrieved by the order dated 09/09/2019 passed by the Trial Court, by which, application Exhibit 90 praying for framing of an additional issue of limitation, has been rejected.

2. I find from the impugned order that the Trial Court has concluded that though these petitioners pray that an issue as regards limitation be framed, there have been no pleadings in the written statement as well

as in Exhibit-90.

3. With the assistance of the learned Advocate for the petitioners, I perused paragraph No.13 cited by him as being the paragraph containing the pleadings with regard to limitation. I do not find a single sentence in that entire paragraph as well as in the entire written statement that these petitioners have specifically stated the date of the cause of action, the limitation prescribed under a particular provision of the Limitation Act or that the suit is beyond the limitation period. Even in application Exh.90, there is no whisper as to why the issue of limitation deserves to be framed.

4. In view of the above, I was inclined to dismiss this petition by imposing costs of Rs.25,000/- on the 17 petitioners. However, the learned Advocate Mr.Patil has tendered an apology on behalf of the petitioners and has prayed that costs may not be imposed.

5. In view of the above, this petition is dismissed.

(RAVINDRA V. GHUGE, J.)

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