

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.14365 OF 2018

**M/S ADISURYA OIL CHEMICALS THROUGH PARTNERS
VERSUS
THE MAHARAHTRA STATE FINANCE CORPORATION
THROUGH AUTHORIZED OFFICER AND OTHERS**

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Advocate for the Petitioner : Shri B. S. Chondhekar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 07th JANUARY, 2019.

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PER COURT :

1. The petitioners are aggrieved by the order dated 19/09/2018, by which, the application Exhibit 11 filed by the petitioners in MARJI No. 452/2012 has been filed.

2. The respondent has preferred the proceedings against these petitioners for recovery of an amount of Rs. 26,13,806/- (Rupees Twenty Six Lakhs Thirteen Thousand Eight Hundred and Six only) along with interest up to 31/07/2012, future interest and expenses from 01/08/2012. Application Exhibit 11 was filed by these petitioners seeking rejection of the plaint/application under Order VII Rule 11(d) of the Code of

Civil Procedure on the ground that the proceedings initiated by the respondents are time barred. When Exhibit 11 was taken up for hearing on 19/09/2018 after a passage of 5 (five) years and 1 (one) month, none represented the petitioners. Yet, the Trial Court has recorded that they are at liberty to point out the issue of limitation when the proceedings are finally considered.

3. Despite the submissions of the learned Advocate for the petitioners, I do not find any reason to interfere with the impugned order since Exhibit 11 was filed on 16/08/2013 and the said application was lingering for 5 (five) years and 1 (one) month. Moreover, the issue of limitation could be dealt with by the Trial Court and if the recording of evidence is to be considered, the Trial Court would be assisted.

4. In view of the above, this petition, being devoid of merit is, therefore dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-