

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13411 OF 2018

K.R.S. Narayanan

...Petitioner

vs.

Uttamrao Bhikuji Ingle

...Respondent

Mr. Prasad Dani, Sr. Advocate a/w. Mr. Saket Mone, Mr. Reuben Vakil, Mr. Vishesh Kalra and Ms. Neha Joshi i/b.Vidhi Partners, for the Petitioner

Mr. P.R. Arjunwadkar I/b. Ms. Prabha Badadare, for the Respondent.

CORAM : M. S. SONAK, J.

DATE : MARCH 13, 2019

P.C.:

. Heard Mr. Dani, learned counsel for the Petitioner and Mr. Arjunwadkar a/w. Ms. Prabha Badadare, learned counsel for the Respondent.

2. From the perusal of the impugned order, it appears that the learned trial Judge recorded *prima facie* finding that suit is within limitation. Admittedly, none of the parties had lead any evidence on the issue of limitation.

3. Accordingly the interest of justice will be met if the issue of limitation is directed to be framed as one of the issues in the suit and the same is disposed of on merits along with all the other

issues which arise in the suit, at the stage of final disposal of the suit.

4. Accordingly, all contentions of all parties are left open. The issue of limitation will have to be decided uninfluenced by any observations in the impugned order dated 27th October, 2017. The parties will be at liberty to lead their evidence in the suit on this issue.

5. This Petition is accordingly disposed of in the aforesaid terms.

6. The trial Court to consider the disposal of the suit at the earliest.

7. The learned counsel for the parties states that the parties will cooperate in the matter for early disposal of the suit.

(M. S. SONAK, J.)