

defendants did not specifically plead under which article of the Limitation Act, Suit would be governed. Further it is observed by the trial Court that defendants have not made out a case that Suit is not within limitation. I find that the application Exhibit 28 was filed only raising an objection regarding Suit not filed within limitation. Moreover, in the said application prayer is made for framing preliminary issue in terms of Section 9-A and Order VII Rule 11 of C.P.C.

3. Considering that the application was restricted to the objection to the Suit being not within limitation, the trial Court has for the reasons recorded rejected the application. Insofar as the valuation of the Suit is concerned, it is always open for the trial Court to correct the valuation at the later stage if found necessary. Moreover, a specific application was not made by the applicants objecting to the valuation of the Suit. In these circumstances, without interfering with the impugned order, in my opinion, if proper application

is made by the applicants as regards the maintainability of the Suit on any of the grounds available, the same can always be considered by the trial Court in accordance with law and without being influenced by the observations made in the impugned order.

4. In this view of the matter, the Civil Revision Application is dismissed. Insofar as issue of limitation is concerned, the same obviously be decided on the basis of the evidence that may be led by the parties.

(M.S.KARNIK, J.)