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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 1505 OF 2015
IN
SUIT NO. 810 OF 2013**

Dr.Mahendra Kumar Modi & Anr. ...Applicant.

In the matter between

Gujarat State Fertilizers & Chemicals Ltd. ...Plaintiff

VS

Dr.Mahendra Kumar Modi & Anr. ...Defendant.

.....

Mr Jigisha Vadodaria I/b Negandhi Shah & Himayatullah for the
Plaintiff

Mr Rishabh Sheth I/b Bodhanwalla & Co. for the Applicant/ Defendant No.1.

.....

**CORAM : B.P.COLABAWALLA, J.
JANUARY 21, 2019.**

P.C. :

As far as this Notice of Motion is concerned, it sought a direction to frame the preliminary issue under Section 9A of the Code of Civil Procedure, 1908 with regard to whether the suit was barred by the Law of Limitation. This preliminary issue has not yet been framed and now Section 9A of the Code of Civil Procedure, 1908 has been deleted by Maharashtra Act LXI of 2018. This being the case, nothing survives in this Notice of Motion and the same is disposed of accordingly. No order as to costs.

(B.P.COLABAWALLA, J.)