

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO.89 OF 2018

(SMT. GANGADEVI VYANKATI @VYANKATESH BHONDE & ANR....VS.. SMT. RUKHMINIBAI
DEVIDAS PADOLE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.M.Munje, Advocate for Applicant.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 23, 2019.

Heard.

Original defendants have challenged order passed by the trial Court on which application (Exh.9) filed by them under Order VII Rule 11 of the Code of Civil Procedure is dismissed. The defendants contended that the claim of the plaintiffs is barred by limitation and therefore, plaint is liable to be rejected. The learned trial Judge has rejected the application (Exh.9) observing that the plaintiff is seeking removal of the encroachment and the issue of limitation is mixed question of fact and law which will have to be decided after the parties are granted opportunity to adduce evidence. The learned trial Judge has not decided any issue but has only postponed the adjudication on the issue of limitation.

I do not find any illegality or error of jurisdiction which necessitates interference by this Court with the impugned order.

The Civil Revision Application is **dismissed**. No costs.

JUDGE