

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 209 OF 2018**

Anil Arjandas Ballani	...Petitioner
Versus	
Rajni Amarlal Ramrakhiani & Ors.	...Respondents

Mr. Girish S. Godbole i/b Mr. P. R. Arjunwadkar for the Petitioner

Ms. Rajni A. Ramrakhiani, the Respondent No. 1 is present in-person

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th MARCH 2020

P.C. :

1 Learned counsel for the petitioner, at the outset, submits that the petition does not survive in view of the statutory amendment to Section 9A of the Civil Procedure Code as well as the judgment of the Apex Court in the case of *Nusli Neville Wadia vs. Ivory Properties & Ors.*¹. He accordingly seeks leave to withdraw the petition. He, however, requests that the question of limitation be kept open to be decided by the trial Judge, finally, at the end of the trial.

2 Accordingly, the petition is disposed of as withdrawn. It is

1 AIR 2019 SC 5125

open for the trial Court to decide the issue of limitation, if raised, at the time the suit is finally decided. All contentions of all parties are kept open.

3 Writ petition is disposed of accordingly.

REVATI MOHITE DERE, J.