

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 280 OF 2021
WITH
INTERIM APPLICATION NO. 2478 OF 2021**

Ramesh Babaji Kadam ... Appellant/Applicant
V/s.
Maharashtra Housing And Development
Authority and Ors. ... Respondents

Mr.Anilkumar T. Matle i/b. Ms. Archana P. Gaikwad for Appellant/Applicant.
Ms.Rasika Dhebe i/b. Mr.Anoop Patil for Respondent No.2.
Mr. J.Varma i/b. Mr.Ajit M.Rajgole for Respondent No.3.
Mrs.Lata Wadhwani for Respondent No.4.

CORAM : A.S. GADKARI, J.
DATE : 21st October, 2021.

PC. :

1. Record clearly indicates that, for a cause of action which had arisen on 20th April, 2015, the Appellant/Plaintiff filed present suit on 13th February, 2019. Thus, the suit is clearly barred by law of limitation. The Trial Court has rightly taken into consideration the said vital aspect of the matter while dismissing the Notice of Motion No.1280 of 2019 filed by the Appellant in the present suit bearing S.C. Suit No.523 of 2019.

2. Record further indicates that, for the cause of action arisen on 20th April, 2015, the plaintiff had earlier filed Suit No.1213 of 2013, which

was allowed to be withdrawn with liberty to file a fresh suit for same cause of action, subject to the law of limitation, as mentioned in para No.13 of the impugned Order.

The plaintiff has filed present suit on 13th February, 2019, which is clearly barred by law of limitation.

3. As the suit filed by the plaintiff is barred by limitation, no interference is called for by this Court in the impugned Order dated 24th February, 2021 passed by the Trial Court.

4. Appeal is being de hors of merits, is accordingly dismissed in *limine*.

5. In view of dismissal of Appeal itself, Interim Application No.2478 of 2021, does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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