

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO.171 OF 2023

**SUBHASH RAMGOPAL BHARUKA
VERSUS
PADMA SAKHAHARI SATDIVE AND OTHERS**

...
Advocate for Petitioner : Mr. Anand V. Patil (Indrale)

...
CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 25, 2023

PER COURT:-

1. Heard learned counsel for the applicant.
2. The applicant has approached this Court against the order of the learned Civil Judge Junior Division, Kannad passed below Exhibit-48 rejecting his prayer to reject the plaint under Order VII Rule 11(d) of the Civil Procedure Code dated 19.07.2023.
3. After hearing the learned counsel for the applicant at length, the Court expressed disinclination to allow the revision application. Learned counsel for the applicant would submit that the right to plea the limitation ground in his written statement may be protected. Since the issue of limitation is a mix question of law and facts, it is always open to the parties to raise the plea in written statement. Without affecting his right to plead the ground of limitation, leave granted to withdraw the revision application.

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4. In view of the above, the civil revision application stands dismissed as withdrawn.

(S.G. MEHARE, J.)