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

**CIVIL REVISION APPLICATION NO.148 OF 2022**

Ajit Simratmal Bora

... Applicant

Versus

Lalbee Shaikh Adam  
(Died) Through L.Rs.  
Shaikh Aslam Babasaheb  
and others

... Respondents

...  
Mr. P.B. Shirsath - Advocate for the Applicant.

...  
**CORAM : GAURI GODSE, J.**  
**DATE : 27<sup>th</sup> February, 2023**

**PER COURT :**

1. This civil revision application is for challenging the order rejecting the application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 ("CPC"). The application under Order VII Rule 11 of CPC was filed on the ground that the plaint do not disclose cause of action, and that, suit is barred by limitation. The said application is rejected by order dated 15<sup>th</sup> September, 2022. Learned Advocate for the applicant submitted that the issues are already framed in the suit on 10<sup>th</sup> March, 2011 before the present applicants were added as party defendants to the suit, however, there is no issue framed with respect to the

point of limitation.

2. Learned advocate for the applicant after arguing the matter for some time, on instructions, state that the applicant may be granted leave to withdraw the civil revision application with liberty to take out appropriate application before the trial Court for framing issue of limitation.
3. The point of limitation decided by the impugned order is only with reference to application under Order VII Rule 11 of CPC. Hence, leave as prayed is granted. Civil Revision Application is disposed of as not pressed with liberty to take out appropriate application for framing additional issue on the point of suit being barred by limitation. In the event, such an application is made the trial Court to decide the same on its own merits.
4. Learned counsel for the applicant further submits that the suit is posted for recording the cross-examination of the plaintiff. It is, therefore, desirable that the application for framing additional issue may be decided before proceeding with recording of the cross-examination.

**[ GAURI GODSE ]**  
**JUDGE**