

SGPunde

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 10 OF 2017

Satish Shankar Sonwane & Ors.

... Applicants

Versus

Shantabai Machhindra Galhe
died through LRs & Ors.

... Respondents

...

Mr. D. J. Choudhari h/f Mr. D. G. Nagode – Advocate for Appellants
Mr. S. S. Gangakhedkar – Advocate for Respondents

....

CORAM : GAURI GODSE, J.

DATE : 31st JANUARY, 2023

PER COURT :

1. This civil revision application arises out of an order by which preliminary issue framed under Section 9-A of the Code of Civil Procedure is decided by holding that civil court has jurisdiction to try and entertain the suit.
2. In view of sub-section 2 of section 3 of Code of Civil Procedure (Maharashtra Amendment) Act, 2018, the present civil revision application stands abated. The learned counsel appearing for the applicant states that though issue of limitation was not framed while deciding the application under Section 9-A, there are

certain observations made with respect to the point of limitation in the impugned order. Hence, he states that the trial court may be directed to decide the same by framing issue under Order XIV.

3. It is always open to the applicants to make an appropriate application for framing issue of limitation, if so permissible under the law. If such an application is made, the same shall be decided on its own merits.
4. Civil Revision Application is disposed off in the aforesaid terms.

[GAURI GODSE]
JUDGE