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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 543 OF 2022

Revati Krushna Patil and Ors.

.. Applicants

Versus

M/s. Ashok Wood Works

Through its proprietor

Gangaram Kashiba Wangde Alias Jadhav

.. Respondent

-
- Mr. Rajesh S. Datar, Advocate for Applicants.
 - Mr. K.K. Malpathak, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 14, 2023.

P.C.:

- 1.** Heard Mr. Datar, learned Advocate for Applicants and Mr. Malpathak, learned Advocate for Respondent.
- 2.** Perused the impugned order dated 13.10.2022 passed below Exhibit-24 in Special Civil Suit No.514 of 2019.
- 3.** The Application was taken out by Defendants under Order VII Rule 11(d) of the Civil Procedure Code, 1908 for rejection of the plaint on the ground of limitation.
- 4.** Mr. Datar would rely upon paragraph No.22 of the plaint and would contend that the cause of action as stated by the Plaintiffs had arisen on 10.02.2016 and the suit has been filed in July 2019.

5. Mr. Malpathak would however contend that the plaint will have to be read in its entirety and on perusal of paragraph No.7 of the plaint, it would be clear that the subject road has been used since long by the general public as also by all those residing in the vicinity of the said road.

6. Be that as it may, perusal of the impugned order reveals that save and except recording the cause of filing the Application, no specific reason has been given with respect to the issue of limitation agitated by the Applicants as also the case of the Respondents i.e. Plaintiffs emanating from the suit plaint.

7. After hearing both the learned Advocates for some time and perusing the pleadings, by consent of the learned Advocates, the impugned order is quashed and set aside.

8. The learned Trial Court is requested to hear the parties afresh on the Application below Exhibit-24 and pass a reasoned order after considering their respective submissions and case law.

9. With the above directions, Civil Revision Application is disposed.

[MILIND N. JADHAV, J.]

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