

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 238 OF 2023

Sou. Manjiri N. Karandikar ...Petitioner
V/s.
Shri. Neelkanth G. Karandikar and ors. ...Respondents.

Mr. Girish Godbole, Sr. Counsel a/w. Mr. Sumit Kothari and
Ms.Aishwarya Shinde for the Petitioner.
Mr. Surel Shah i/b Mr. Sagar A. Rane for Respondent No.1.
Mr. Kaustubh Thipsay for Respondent No.3.

CORAM : N.R. BORKAR, J.
DATE : 08.06.2023.

P.C. :

1. By the order impugned in the present petition, the trial Court rejected the application filed by the petitioner / original defendant No.2 for framing additional issue of limitation in a suit filed by the respondent No.1/plaintiff for specific performance of contract.
2. I have heard the learned senior counsel for the petitioner and the learned counsel for the contesting respondent No.1.
3. The trial Court rejected the application only on the ground that both the parties have closed their evidence and suit is for final argument. However, considering the facts and circumstances of the case, it would be appropriate to direct the trial Court to frame the issue of limitation. The order impugned is set aside. The trial Court shall frame the issue of limitation.

4. The learned senior counsel for the petitioner and the learned counsel for the respondent No.1 on instructions submit that the parties do not wish to lead any further evidence.
5. Considering the fact that the Suit is of year 2007, the trial Court shall endeavour to decide the Suit within a period of four months from the date of receipt of copy of this order.
6. Writ Petition is disposed of in the above terms.

[N.R.BORKAR, J.]