

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.78 OF 2014
ALONG WITH
CIVIL APPLICATION NO.246 OF 2014
IN
SPECIAL CIVIL SUIT NO.78 OF 2011**

Dilip Mahasukhlal Shah and Ors. .. Appellants-Applicants
Vs.

Chandrakant Kantilal Shah and Ors. .. Respondents

**ALONG WITH
INTERIM APPLICATION NO.1132 OF 2019**

Sebastian J. Sequeira and Anr. .. Applicants-Interveners

**ALONG WITH
WRIT PETITION NO.1149 OF 2019**

Chandrakant Kantilal Shah and Ors. .. Petitioners

Vs.

Kailash Popatlal Shah and Ors. .. Respondents

**ALONG WITH
INTERIM APPLICATION NO.1495 OF 2019**

Sebastian J. Sequeira and Anr. .. Applicants-Interveners

Mr. Rubin Vakil, with Adv. Mahek Kamdar, Mr. Rishabh Ranka, Mr. Hersh Choksi and Mr. Prathamesh Jadhav, i/by Kanga & Co., for the Appellants and for the Applicants in CAF/246/2014.

Mr. Sharan Jagtiani, Sr. Advocate, with Mr. Aman Kacheria, Adv. Prasanna Tare and Ms. Akshada Shetye, for Respondent Nos.1 to 4 and 8 to 10.

Mr. Kunal Vajani, with Mr. Shubham Tandon, Ms. Deepika Bhonsle and Mr. Sumit Khandar, i/by Wadia Ghandy & Co., for Respondent No.28A in FA/78/2014.

Mr. R.V. Kamble for the Applicant-Intervener in IA/1132/2019 in FA/78/2014.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 1ST APRIL, 2024.

PC. :

1. By inviting attention to the judgment of the Supreme Court in *Nusli Neville Wadia Vs. Ivory Properties and Ors.*, (2020) 6 SCC 557, the learned counsel for the appellants submits that the issue of the suit being barred by limitation could not have been decided under Section 9A of the Code of Civil Procedure, 1908. The learned Senior Advocate for the respondents seeks time to address the Court on this issue.
2. List under the caption of “Directions” on 17th April 2024.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]