

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

SECOND APPEAL NO.683 OF 2015

M/S. Deepak Builders (through Its Partners) ...Appellant

Versus

Mrs. Pramodini Tukaram Indulkar ...Respondents

Mr. Vaibhav Sugdare a/w. Ms. Shraddha Pawar for the Appellant.

Mr. V. A. Gangal a/w. Mr. A. R. Kulkarni for Respondents.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 5th MARCH, 2024

P. C. :

1. After the matter was argued for considerable length of time, learned counsel for the parties on instructions submits that as substantial question of law raised is only in respect of absence of discussion and findings in respect of Issue No.4 pertaining to the law of limitation, the impugned judgment and decree be quashed and set aside and matter be remanded to the Trial Court to be considered afresh to render a reasoned finding on the issue of limitation.

2. In view of the consensus which has been arrived at between the parties, as the answer to issue No.4 is not supported by any reasons and findings, Special Civil Suit No.289/1993 is restored to the file of the

Civil Court to the limited extent of deciding the issue of limitation. As evidence has already been led by the parties the Trial Court to hear the arguments of both the parties on the aspect of limitation and render findings restricted only to Issue No.4. As the Suit is of the year 1993 and entire evidence is already on record, the Trial Court is requested to decide the Issue No.4 expeditiously and in any event within period of 8 weeks from the date of production of this order before the Trial Court.

3. The parties are directed to remain present before the Trial Court on 1st April 2024. Appeal stands disposed of in the above terms. Interim Application does not survive.

4. As the matter is remanded to the extent of the Issue No.4 the interim relief that has been operating in favour of the appellant is continued till adjudication by the Trial Court.

(SHARMILA U. DESHMUKH, J.)