



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2400 OF 2024

(SMT. ROSHNI JAIPRAKASH @ AMOL TANDON...VS.. SHAIKH MAJID SHAIKH HAIDAR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Mahesh Rai, Advocate for Petitioner.

CORAM : ANIL S. KILOR, J.
DATED : APRIL 18, 2024.

1. Heard.
2. The rejection of the application under Order VII Rule 11 of the Code of Civil Procedure on the ground that the prayer of the petitioner to reject the plaint on the ground of limitation cannot be accepted as it is a mixed question of fact and law and unless an opportunity is granted to the plaintiff by leading evidence to establish that the suit is not barred by limitation, the application cannot be accepted.
3. The reasons recorded by the leaned trial Court are just and proper, hence, need no interference. Accordingly, the Writ Petition is **dismissed**. No order as to costs.

JUDGE