

Shabnoor

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

WRIT PETITION NO.6844 OF 2018

SHABNOOR
AYUB
PATHAN

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Date: 2025.01.17
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Aakash Yuvraj Jadhav

... Petitioner

V/s.

Shashikala Shankar Jadhav & Ors.

... Respondents

Mr. Shantanu Patil i/by Mr. Abhijit Adagule for
petitioner.

Mr. Sugandh Deshmukh a/w Mr. Aniket Kanawate a/w
Mr. Vaibhav Thore a/w Ms. Karishma Shinde for
respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 17, 2025

P.C.:

1. The Trial Court by the impugned order has framed an issue of limitation as preliminary issue under Section 9A of the Code of Civil Procedure, 1908.
2. On perusal of the record, it appears that the issue of limitation being a mixed question of law and fact.
3. In the facts of the case, the Trial Court ought to have decided such issue along with final decision of the suit. Hence, with the said clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)