

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 579 OF 2024

Venketeshwara Buildcon, a Partnership Firm ..Applicants
Through Its Partner Shriram Bhagirath Sarda &
Anr
Versus
Naeem Salim Pathan & Ors ...Respondents

Mr. Girish Godbole, Senior Advocate, with Chetan G. Patil, i/b
Mandar G. Bagkar, for the Applicants.
Mr. Umesh Mankapure, with Ms. Bhavika Shinde, for Respondent
Nos. 1 to 3.

CORAM: N. J. JAMADAR, J.
DATED : 4th FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the parties.
2. The challenge in this Application is to an Order dated 2nd September 2024 passed by the learned Civil Judge, Senior Division, Sangli on Application for rejection of Plaint on the ground of bar under Section 164 of the Maharashtra Cooperative Societies Act 1960 ("MCS Act"), and law of limitation.
3. Mr. Godbole, learned Senior Advocate, submits that since a finding has been recorded by the trial court that the limitation is a mixed question of law and fact, the Applicants may not press the

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application. However, the grounds of bar of limitation as well as the bar under Section 164 of the MCS Act, as and when raised by the concerned Defendant, may be kept open for adjudication.

4. The Application stands disposed keeping open all questions including question of limitation and the bar under Section 164 of MCS Act 1960, (if raised by a party entitled to raise the same), for adjudication at the trial.

5. The trial court shall not be influenced by any of the observations made in the impugned order, at the time of finally deciding those questions.

[N. J. JAMADAR, J.]