



adjudication at the trial.

4. In a case of this nature where the ground of limitation to the tenability of the prayer for specific performance of the oral agreement, by way of counterclaim, was raised, the trial Court ought to have kept the issue of limitation open for adjudication, at the trial.

5. The petition thus stands disposed, keeping the issue of limitation qua the prayer for specific performance of the oral agreement, by way of counterclaim, open for adjudication at the trial.

6. The petitioners/respondents are granted liberty to file a written statement to the amended counter claim within a period of four weeks from today.

7. Having regard to the institution of the suit in the year 2012, the learned Civil Judge is requested to make an endeavour to hear and decide the suit as expeditiously as possible.

8. The petition stands disposed.

(N.J. JAMADAR, J)