



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 4458 OF 2019

(Ganesh Tulshiram Fandat vs. Shankar Dattuji Fandat and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. A.S.Thotange, Advocate for petitioner.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 11, 2025

- 1) Heard learned counsel for the petitioner.
- 2) The present petition is directed against the order dated 21/02/2019 and 28/03/2019 passed by the learned Joint Civil Judge Junior Division, Jalgaon below Exh.15 and 17 in R.C.S.No.14/2018.
- 3) Learned counsel for the petitioner submits that there was one earlier suit for specific performance between the same parties. Subsequently another suit for declaration and cancellation of the Sale Deed was filed between the same parties, therefore, subsequent suit R.C.S. No.14/2018 was not within the period of limitation. But both the applications for rejection of plaint and dismissal of suit were rejected by learned Civil Judge, Junior Division.
- 4) I have gone through both the orders passed by the learned Trial Court. As far as both the applications are concerned, learned Trial Court has observed while considering both the applications that issue of limitation is mixed question of fact and law and the former suit was withdrawn with liberty to file fresh suit, therefore, the learned Trial Court rejected both the

applications. Hence, I do not find any reason to interfere with the orders impugned. In view thereof, the petition is dismissed.

(SIDDHESHWAR S. THOMBRE, J.)