



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

SECOND APPEAL NO. 281 OF 2024

TRIVENI COAL CORPORATION THROUGH ITS PROPRIETOR PREMRAJ PREMSUKHDAS
RATHI

Vrs.

GAJANAN LAXMAN TAYADE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. Sonali Saware-Gadhawe, Advocate for applicant/appellant.
Shri D. I. Jain, Advocate for respondent-sole.

CORAM: ROHIT W. JOSHI, J.

DATE : 05/05/2025.

1. Issue notice to the respondent on the following substantial questions of law, returnable in first week of July, 2025.

“i] In view of the Credit Note dated 29/01/2003 at Exh.38, can suit filed for recovery of money filed on 25/01/2006 be said to be barred by limitation ?

ii] Has learned First Appellate Court erred in not drawing adverse inference as against the defendant for not entering into the witness box ?”

2. Shri D. I. Jain, learned counsel waives service of notice for respondent.
3. Learned counsel for the appellant is directed to file private paper book in Regular Civil Appeal on record.
4. Filing of private paper book is dispensed with.

[ROHIT W. JOSHI, J.]

Choulwar