

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.19 OF 2026

Nishi Jaykumar and another ... Applicants

Versus

Subhash Sadashiv Mane and another ... Respondents

Mr. Rugved Kinkar, for Applicants.

Mr. K.K. Sasavade, for Respondents.

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CORAM : M. M. SATHAYE, J.

DATE : 18th February 2026.

P. C. :

1. Heard learned Counsel for the Applicants. Perused the record.
2. By the impugned order dated 03.11.2025, Application filed by Revision-Applicants/Defendants under Order-VII, Rule -11 (d) of the Code of Civil Procedure, 1908 ('CPC' for short) is rejected.
3. Learned Counsel for the Applicants submits that if the averments in the plaint and documents produced alongwith the plaint are perused, then the suit is clearly barred by limitation.
4. On the other hand, learned Counsel for the Respondents/Plaintiffs supports the impugned order. He submits at the outset that issues are

already framed in the suit, including issue of 'limitation' and trial is at the stage where plaintiffs' evidence is being recorded.

5. Considering the stage at which the suit has reached, it is obvious that Order-XLI, Rule-1 and 2 are applicable. In that view of the matter, instead of expressing any opinion on the impugned order and entering merits of the case at this stage, **Civil Revision Application** can conveniently be and **is disposed of** by passing following order :

(A) The Trial Court shall decide the issue regarding limitation first, and based on the finding on that issue, will proceed to decide other issues, if required;

(B) Rival contentions of the parties on the aspect of limitation and application of a particular article of Limitation Act are expressly kept open, to be decided in accordance with law and after hearing both the sides.

(C) It is clarified that the issue of limitation be decided without being influenced by the impugned order.

(D) Considering that suit is filed in the year 2016 and the same is pending till today, hearing of the suit is expedited. The Trial Court to make an endeavour to hear and decide the suit, within a period of one year from today.

(E) Parties are directed to co-operate for expeditious disposal of the suit.

(F) No order as to costs.

[M. M. SATHAYE, J.]