

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL REVISION APPLICATION NO.133 OF 2017  
WITH  
CIVIL APPLICATION NO.78 OF 2017  
IN  
CIVIL REVISION APPLICATION NO.133 OF 2017**

Ashok Kumar Manharlal Shah .Applicant

Vs.

Ajay Kumar Manharlal Shah .Respondent

Mr.Jagdish Chomal, Advocate, for the Applicant

**CORAM : R.G.KETKAR, J.**

**DATE : 23.03.2017**

**P.C.**

. Not on board. At the request of Mr. Chomal, taken up in the production board.

2. Heard Mr. Chomal, learned counsel for the Applicant.

3. Mr. Chomal submitted that suit instituted by the Respondent is barred by limitation. He submitted that Respondent instituted suit for recovery of a loan of Rs.3,50,000/- which was advanced on 26.01.1986 by Smt. Lalitaben M. Shah, mother of the

Applicant and Respondent. Smt. Lalitaben died on 19.02.1993. During her life time, she did not institute any proceedings against the Applicant. The claim of Rs.3,50,000/- was time barred on 25.01.1989.

4. As far as a loan of Rs.50,000/- advanced by Smt. Lalitaben on 05.11.1992 is concerned, same became time barred on 04.11.1995. Suit is instituted in the year 2012 and on the face of it, it is time barred. He further states that the trial Court has kept the matter tomorrow for recording evidence.

5. In view of the submission, issue notice to the Respondent, returnable on **24.04.2017**. Notice to indicate that subject to the time constraint and convenience of Court, Petition may be disposed of finally at the stage of admission. Notice shall further indicate that despite service, if the Respondent fails to appear, the Court will proceed to decide the Petition finally on that date on its own merits.

**(R.G.KETKAR, J.)**