



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 1101 OF 2012

Sonabai Appaji Deokate,
since deceased, through
legal heirs :- **Applicants**
versus
Ramchandra Dadu Kokare
and Ors. :- **Respondents**

Mr. Rahul S. Kate, for the Applicants.

CORAM :- R. M. SAVANT, J.

DATED :- JULY 16, 2013

P.C. :-

Prima facie the issue of limitation has not been satisfactorily dealt with by the Courts below. The Lower Appellate Court records the fact that the dispossession has taken place in the year 1985 but, thereafter holds that the Suit filed in the year 1987 is filed beyond the period of limitation. Hence, issue notice to the Respondents, returnable after four weeks. In the mean time, the learned Counsel for the Appellant to prepare a compilation of the documents which form part of the record of the Lower Appellate Court.



2) In addition to service of notice through Court, the advocate for the Appellant may serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery to the Respondents and shall file affidavit of service before the returnable date.

(R. M. SAVANT, J.)