

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4766 OF 2001

RAMESH B. DESAI & ORS.

Appellant (s)

VERSUS

BIPIN VADILAL MEHTA & ORS.

Respondent(s)

(With office report )

Date: 06/09/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE C.K. THAKKER

For Appellant(s)

Mr.C.S.Sundaram, Sr. Adv.

Ms. Hemantika Wahi,Adv.

Mr.Mukul Rohtagi, SR. Adv.

Mr. S.H. Sanjanwala, Sr.Adv.

Mr. Samik Sanjanwala, Adv.

Mrs. Hemantika Wahi, Adv.

For Respondent(s)

Mr.Sunil Gupta, Sr. Adv.

Mr.Jatin Zaveri, Adv.

Mr. Prantap Kalra, Adv.

Mr. Naresh K. Sharma,Adv.

Ms. Bina Gupta ,Adv

Ms. Inklea Barooah, Adv.

Ms. Rakhi Ray, Adv.

Mr. K. Prasaran, Sr. Adv.

Mr.Ashok H. Desai, Sr.Adv.

Mr. T.R. Andhyarujina,Sr.Adv.

Mr.Sudhir Nanavati, Sr.Adv.

M/s D.S. Nanavati, Saurin Mehta, Huzefa Ahmadi,  
Anshuman Mohapatra and Mrs. V.D.Khanna, Advs.

M/s I.M. Nanavati Associates ,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties at some length. One of the questions which arises for

consideration is as to whether a preliminary issue could be allowed to be raised on the ground that the

suit is barred by limitation or whether same would attract the phraseology " barred by any law " within

the meaning of Order XIV Rule 2 arise for our consideration. Of course, in a different context , namely,

in context of Order 7 Rule 11(d),

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this Court in Balasaria Construction Pvt. Ltd. Vs. Hanuman Seva Trust and Ors. -  
Civil Appeal No.

4539/2003 by an order dated 30.8.2005 referred the question to a larger Bench despite a judgment of the

Division Bench in N.V. Srinivasa Murthy and Ors. Vs. Mariyamma(dead) by proposed Lrs. And Ors  
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(2005) 5SCC 548.

Learned counsel for the parties submit that in this view of the matter, this matter be

adjourned awaiting the decision of the larger Bench.

Registry is directed to place this matter for hearing immediately after decision in the

aforementioned C.A. No. 4539/2003 .

l Singh)

(Meenu Sethi)

(Kanwa

Master

Court Master

Court