

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's orders or Registrar's	Court's or Judge's orders.
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CRA NO. 146 OF 2014

MINAKSHI RAMLING KASBE
VERSUS
JUNED ABDUL HAKIM AND OTHERS

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Advocate for Petitioner : Mr. Dharashive M. L.
Advocate for Respondent No.1: Mr. V. S. Dalal.

CORAM: T. V. NALAWADE, J.
DATED: 20th JULY. 2015.

PER COURT:

1. The proceeding is filed to challenge the order made by learned C.J.J.D., AUSA, District Latur in R.C.S. No.270 of 2011 in a suit filed by the present Respondent for relief of possession. Application under Order 7 Rule 11 (d) of Civil Procedure Code was filed by the Petitioner and he had prayed for rejection of the plaint on the ground of limitation. After hearing both the sides, the trial Judge has rejected the application. It is observed that opportunity needs to be given to the plaintiff to lead evidence to show that the suit is within limitation.
2. It is the case of the Respondent, plaintiff that the suit property was purchased in his name when he was minor in the year 1987. It is his case that behind his

back defendant No.1 sold the property to defendant No.2 in the year 1999. Then, defendant No.2 sold the property to defendant No.3 in the year 2001. Then the defendant No.3 sold the property to defendant No.4 in the year 2005. It is his case that on 16th December, 2005 when defendant No.4 came to the filed and forcibly dispossessed him he realised that such record was prepared. This instance is given as cause of action by the plaintiff. On the date of the suit he gave his age as 24 years. Thus, it can be said that the transactions which were made at-least in the year 1999 and 2001 were made during his minority and by the persons who were not even his relatives. He can seek the relief of possession both on the basis of title or on the loss of possession. Thus, the opportunity needs to be given to the plaintiff to lead evidence to make out his case. This Court holds that the trial Court has not committed any error in rejecting the application. The proceeding stands dismissed.

[T. V. NALAWADE, J.]

Dt.20/07/2015
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