

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

**FIRST APPEAL NO.1046 OF 2016
WITH
CIVIL APPLICATION NO.2778 OF 2016**

**Bharat D Patil : Appellant.
Versus
Ramniranjan Daga and ors. : Respondents.**

**Mr.Onkar V Warange for the Appellant/Applicant.
Mr. D A Patil a/w Mr. Milind Parab i/by Milind Parab & Associates for the
Respondent No.3.**

**CORAM : R. M. SAVANT, J.
DATE : 27th June 2016**

P.C.

1 The above First Appeal has been filed by the Appellant challenging the order dated 19/12/2015 passed by the learned Joint Civil Judge, Senior Division, Panvel by which order the Application (Exhibit 15) filed by the Respondent No.1 herein for dismissal of the suit on the ground of limitation came to be allowed and the suit came to be dismissed.

2 The Appellant herein is the original Plaintiff who has filed the suit in question being Special Civil Suit No.379 of 2014 challenging the sale deed dated 10/07/1996 executed between the Defendant Nos.5 to 9 and Defendant No.1, Ramniranjan Daga, as Director of one Denholm Steels Ltd. The Plaintiff claims to be the tenant of the land in question. In view of the challenge raised

to the said document dated 10/07/1996, the Respondent No.1 herein i.e. the original Defendant No.1, in whose favour the said sale deed dated 10/07/1996 was executed, raised a preliminary issue of limitation.

3 The Trial Court, in view of the application filed by the Defendant No.1, framed the said issue of limitation, and proceeded to try the same. The Trial Court having regard to the fact that the Plaintiff had filed RTS proceedings i.e. the proceedings relating to the entry made in the revenue record being RTS No.11 of 1998 wherein the said Shri Daga had intervened which proceedings were decided on 19/07/1999 and the proceedings filed thereafter challenging the said order dated 19/07/1999 wherein also the Plaintiff did not meet with any success, held that the Plaintiff was well aware of the said document dated 10/07/1996.

4 It is required to be noted that the entry made in the revenue record in favour of the said Shri Daga was on the basis of the said sale deed dated 10/07/1996. Hence when the Plaintiff filed the application being RTS No.11 of 1998, the knowledge of the said sale deed dated 10/07/1996 would have to be attributed to the Plaintiff. Having regard to the aforesaid fact the suit filed in the year 2014 was therefore beyond limitation, the order passed by the Trial Court therefore does not merit any interference in the Appellate Jurisdiction of this Court. The above First Appeal is accordingly dismissed. In

view of the dismissal of the above First Appeal, Civil Application No.2778 of 2016 does not survive and the same to accordingly stand disposed of as such.

[R.M.SAVANT, J]