

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO. 57 OF 2023

Mahaveer Nabhiraj Nejkar __ Vs. __ Sangita Anandrao Mohod and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.S.Raut, Advocate for applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/06/2023

1] The present revision challenges the order dated 23.2.2018 passed by the learned trial Court rejecting the application under Order 7 Rule 11 of CPC.

2] It is the contention of Mr. Raut, learned counsel for the applicant that the suit is barred by limitation, as it claims a relief in respect of sale deed dated 24.9.1993.

3] In my considered opinion, the suit has been filed for partition and separate possession, claiming that the suit property is an ancestral property of the plaintiff/non-applicant, which is in her possession. Prayer clause 1(a) & (b) claims partition and separate possession. Since the claim is made in the plaint that the property is ancestral in nature, any ancillary claim made for declaring the sale deed dated 24.9.1993 as null and void, would depend upon the knowledge of the same being attributed to the plaintiff for the purpose of

commencement of the period of limitation, which is a matter of evidence.

4] The averments in para 3 of the plaint specifically states that the plaintiff was never aware of the said sale deed and acquired knowledge on 22.12.2015 on which date she applied for certified copy, considering which I do not see any reason to interfere in the impugned order. The civil revision application is dismissed. No costs.

JUDGE

Rvjalit