

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

CIVIL REVISION APPLICATION NO. 59 OF 2023

Ashok Narayanrao Telang and anr __ Vs. __ Abhay Ganpatrao Gawali and anr

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

Court's or Judge's orders

Mr. S.A.Chaudhari, Advocate for applicants.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/06/2023

1] The revision questions the order dated 14.2.2018, whereby the application under Order 7 Rule 11 (d) of CPC for rejection of the plaint has been dismissed.

2] Mr. Chaudhari, learned counsel for the applicants submits that the claim is incorrect, as the sale deed in favour of one Salim Khan by the present applicant no.1 was dated 6.10.2006 and the suit has been filed on 23.1.2017.

3] What is material to note is that in para 7 of the plaint, it has been specifically averred that the knowledge regarding the sale deed dated 6.10.2006 was received by the plaintiff/non-applicant on 5.11.2015, whereupon immediately an application for certified copy was filed and thereafter a notice on 6.1.2016 for refund of the part consideration paid under the agreement of

sale dated 5.11.2006 was issued and the suit has been filed on 23.1.2017.

4] The averments in the plaint do not indicate knowledge of the execution of the sale deed dated 6.10.2006, any time before 5.11.2015, considering which this is a situation which can be brought on record only by leading evidence, considering which I do not see any reason to interfere in the impugned order. The revision is dismissed. No costs.

JUDGE

Rvjalit