

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

CIVIL REVISION APPLICATION NO. 4 OF 2020

Vithoba Haridas Chaudhari __ Vs. __ Sarla Ramesh Thorat 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. R.J.Shinde, Advocate for applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/06/2023

1] Mr. Mahalle, learned counsel for the non-applicant is absent.

2] The revision challenges the rejection of the application under Order 7 Rule 11(a) (b) and (d) by the order dated 19.8.2019.

3] It is contented by Mr. Shinde, learned counsel for the applicant that there was no cause of action for the non-applicant no.1 to file the suit. It is also contended that the claim in the suit is undervalued and so also the suit was barred by limitation.

4] It is material to note that the suit is filed by the non-applicant no.1/plaintiff for partition and separate possession and the cause of action for the same is claimed to have arisen on 14.12.2017 when the notice was sent and partition was demanded. The suit having been filed on 20.1.2018 cannot be said to be barred by

limitation. The cause of action also cannot be claimed to be absent, as the suit is for partition and separate possession.

5] In so far as the plea as regards undervaluation is concerned, the property is agriculture land and considering the valuation as per the land revenue, the claim in the suit cannot be said to be undervalued. I therefore do not find any reason to interfere in the impugned order. The revision is therefore dismissed No costs.

JUDGE

Rvjalit