

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

**Interim Application No. 10555 of 2024
In
Civil Revision Application (st) No. 16810 of 2024**

Kiran Chandrakant Thakkar ... Applicant
V/s.
Pandurang Ganpat Ghanekar & others ... Respondents.

Mr. Vikram N. Walawalkar	Advocate for the Applicant
None for the Respondents.	

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CORAM : S.M. MODAK, J

DATE : 26 November 2024.

P.C. :

Heard learned Advocate Shri Walawalkar for the applicant. The applicant intends to challenge the order dated 9 January 2024. His application for rejection of a plaint under Order VII Rule 11 of CPC was rejected as per the order dated 9 January 2024. Mr. Walawalkar has invited my attention to following facts:

- (i) Prayer clause of the suit about declaration as to ownership on the basis of adverse possession (Page-29).
- (ii) Cause of action in Para No.7 which is dated 22 December 2016 when the dispute was raised by the defendant before the Maharashtra Revenue Tribunal.

According to him, there is no cause of action because cause of action will occur only when period of 12 years is over.

2. Issue notice on delay application and on the proposed civil revision application, returnable on **7 January 2025**. Private notice is allowed. Service affidavit be filed.

(S.M. MODAK, J.)