

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL REVISION APPLICATION NO. 10 OF 2024

Sau. Kusum Parasram Khullarkar

Vs.

Madhukar S/o. Pandhari Kullarkar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. S. Sharma, Advocate for applicant.

CORAM :- M. W. CHANDWANI, J.

DATED :- 09.01.2024

Heard.

2. The order dated 02.11.2023 passed below Exh.11 by learned Jt. Civil Judge, Junior Division, Nagpur in Regular Civil Suit No. 971/2019 is under challenge in this revision whereby the application for the applicant under Order 7, Rule 11 of the Civil Procedure Code for rejection of the plaint is rejected. It is contended that the suit is barred by law of limitation.

3. It is further contented that though the suit has been titled for suit for possession and injunction but, the prayer-clause mentioned in the plaint shows that the non-applicant seeks declaration that the sale-deed dated 26.06.1991 is not binding upon the plaintiff since, it is not executed by him and the same is fraudulent and did not create any title.

3. Issue notice to the non-applicant, returnable within three weeks.
4. The interim relief, if any, will be considered on the next date of hearing.

(M. W. CHANDWANI, J.)