

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

CIVIL REVISION APPLICATION NO. 50 OF 2025

Namdev Damu Navgire ...Applicant

Versus

Tukaram Sukhdev Sonavane and ors. ...Respondents

Mr. Sarang Aradhye, a/w Gauri Velankar, for the Applicant.

**CORAM: N. J. JAMADAR, J.
DATED: 4th FEBRUARY, 2025**

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PC:-

1. Heard the learned Counsel for the applicant.
2. The challenge in this application is to an order dated 25th April, 2024, whereby the application preferred by the applicants – defendants for rejection of the plaint under Order VII Rule 11 came to be rejected.
3. The respondent has instituted a suit for declaration that he is the owner of the suit land i.e. Gat No.183 admeasuring 81Are at village Chincholi – Bhose and is also in occupation and cultivation thereof. In addition, the respondent has challenged the orders passed by defendant Nos.1 to 5 in altering the condition, subject to which the land

was allotted, and the subsequent transfer of a portion of the suit land and Mutation Entry No.1586.

4. Mr. Aradhye, the learned Counsel for the applicant, submitted that the suit, in the present, form was not tenable. There is a specific bar under the provisions of Section 24 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 and Maharashtra Land Revenue Code. If the plaintiff was aggrieved by the mutation entries, the plaintiff has the remedy to approach the authorities under the Maharashtra Land Revenue Code. Therefore, the learned Civil Judge committed an error in rejecting the application for rejection of the plaint.

5. The learned Civil Judge has proceeded on the premise that the plaintiff is seeking substantive relief of declaration of title and possession over the suit land. The other reliefs are ancillary in nature.

6. I have perused the averments in the plaint. The plaintiff, *inter alia*, asserts that the fundamental principles of judicial procedure have not been followed in changing the condition of allotment of land and effecting the mutations. In any event, the substantive relief is that of declaration of title. The other reliefs, in the prayer clauses, emanate from

the said relief of declaration. If the applicant – defendant No.6 is aggrieved by the other reliefs, there are provisions in the Code for seeking redaction of the portions of the pleadings and/or prayers. Thus, no interference is warranted in exercise of supervisory jurisdiction.

7. Application stands dismissed.

[N. J. JAMADAR, J.]