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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 290 OF 2025

Pravin Jau Patil

.....Applicant

Vs.

Chandrakant Tukaram Patil and ors

.....Respondents

Mr. Saurabh Butala for the applicant

CORAM : GAURI GODSE, J.

DATE : 18th JUNE 2025

ORDER:

1. Heard learned counsel for the applicant. This application is filed by defendant no. 24 to challenge the dismissal of his application for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 ('CPC'). Respondent no. 1 has filed a suit for a declaration of title by way of adverse possession and for a declaration that the transactions in respect of the suit properties are illegal and not binding upon him. The applicant is a purchaser claiming through defendant nos. 17 to 23. The applicant filed the application for rejection of the plaint on the

ground that there is no cause of action for seeking a declaration of title by way of adverse possession. The applicant also prayed to reject the plaint on the ground of limitation. By the impugned order, the application for rejection of the plaint is dismissed.

2. Learned counsel for the applicant submits that for seeking a declaration of title by way of adverse possession, a specific date regarding the starting point of possession and possession becoming adverse must be pleaded with necessary particulars. He points out the relevant paragraphs from the plaint to support his submissions that the prayer is based on vague pleadings and there are no specific pleadings to seek a declaration of title by way of adverse possession. He submits that the cause of action pleaded is based on vague pleadings only for the purpose of bringing the suit within the limitation.

3. Learned counsel for the applicant submits that the grounds pleaded for the cause of action would not amount to a meaningful cause of action. He further submits that tenancy proceedings have already been decided, and a 32M certificate has been issued in the name of the defendant nos. 7 to 23 through whom the applicant claims title. He, thus, submits that on the plain reading of

the plaint, there is no likelihood that the plaintiff would succeed in the prayers. Hence, the plaint is liable to be rejected as barred by limitation and for want of a meaningful and complete cause of action.

4. I have perused the papers of the Revision Application. The learned Judge in the impugned order referred to the relevant pleadings in the plaint regarding the dates for seeking perfection of title by way of adverse possession. The learned Judge held that the specific date of 8th June 2020, with regard to the claim of defendant no. 4, is pleaded in the plaint for seeking perfection of title by way of adverse possession. In the impugned order, the learned Judge also considered relevant pleadings regarding the cause of action to support the plaintiff's case of suit being within limitation. Considering specific pleadings in the plaint, the learned Trial Judge held that in the facts of the present case, the issue of limitation is a mixed question of law and fact. Thus, the suit cannot be rejected at the threshold on the ground of limitation.

5. So far as the point of cause of action for claiming a declaration of title by way of adverse possession is concerned, the learned Judge has referred to the relevant pleadings in the plaint.

I have carefully perused the pleadings in the plaint to seek relief of perfection of title by way of adverse possession. The plaintiffs claim to have been in possession through their grandfather since 1915. The plaintiffs have challenged the sale deed in favour of the defendant no. 24. The plea of adverse possession, therefore, as claimed by the plaintiffs, is against defendant nos. 1 to 16, who are landlords of the suit property. The applicant claims title to the suit property based on a registered sale deed executed by defendant nos. 17 to 23, in whose favour there is a 32M certificate. Thus, considering the averments in the plaint, the plaintiffs would be entitled to lead evidence to support their claim of perfection of title by way of adverse possession against defendant nos. 1 to 16.

6. The merits of the cause of action and the claim of perfection of title by way of adverse possession cannot be a ground to reject the plaint under Order VII Rule 11 of CPC. In view of the pleadings to raise a plea of adverse possession, the learned Judge in the impugned order has rightly held that the particulars pleaded by the plaintiffs would warrant a trial.

7. Thus, on perusal of the pleadings in the plaint, I see no illegality or perversity in the reasons recorded in the impugned order that the plaintiffs' pleadings would warrant a trial. The plea of limitation is also based on the relevant dates pleaded by the plaintiff to raise the cause of action for seeking relief of declaration of perfection of title by way of adverse possession and challenge to the sale deed executed in favour of defendant no. 24. Hence, considering the pleadings in the plaint, the plaint cannot be rejected at the threshold on the ground that the pleadings do not comprise a complete and meaningful cause of action or that the suit is barred by limitation.

8. The Civil Revision Application is devoid of any merit. Hence, the Revision Application is dismissed.

[GAURI GODSE, J.]

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