



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 CRA NO. 152 OF 2025

PRUSHOTTAM S/O RAMKISHAN SONI
VERSUS
BABASAHEB KASHIRAM SURYAWANSHI AND ORS

...
Advocate for the Petitioner : Mr. Bhavthankar Vivek Vasantrao
Advocate for Respondent No. 1 : Mr. Nitin Jagdale h/f Mr. V.D. Salunke

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 12.01.2026

PER COURT :

Heard both sides.

2. This revision is directed against order dated 21.02.2025 passed below Exh. 46 in Special Civil Suit No 405/2022.

3. It is contended that suit filed by respondent no. 1 on 16.08.2022 for declaration and injunction challenging registered sale-deeds executed by defendant no. 1 in favour of defendant nos. 2 to 9. The defendant no. 3 filed application Exh. 46 under Order VII Rule 11 of the Code of Civil Procedure contending that the sale-deed dated 15.05.2010 executed in his favour cannot be challenged after span of 12 years. The application is rejected by the impugned order.

4. The learned counsel for the applicant submits that the suit filed after 12 years is hopelessly barred by limitation. Suit for challenging the registered instrument should have been filed within three years as per Article 58 of the Limitation Act. It is further submitted that it would be abuse of process of law as the suit is vexatious and the plaint is liable to be rejected. It is contended that trial court committed grave error of

jurisdiction, which needs to rectify.

5. The learned counsel for the respondents would support the impugned order. He would advert my attention to paragraph no. 5 stating cause of action specially imputing the knowledge and attempts made by the plaintiff.

6. The plaint is sought to be rejected by one of the defendants i.e. defendant no. 3 to the extent of sale-deed dated 15.05.2010. The partial rejection of the plaint is not permissible as laid down by the Supreme Court in the matter of **Central Bank of India Vs. Prabha Jain; 2025 INSC 95**. Hence, I find no illegality in the impugned order.

7. The cause of action which can be gathered from paragraph nos. 5 and 6 of the plaint would indicate that plaintiff acquired knowledge about the impugned sale-deed in May 2017 and thereafter he approached the defendant no. 1, who was original owner and relied upon his words. It has been specifically narrated by the plaintiff that as to why immediately suit could not be filed. These are the facts in issue which can be gone into during the course of trial. The application is rightly rejected by the Trial Court. I find no illegality. I am fortified in my view by judgment dated 18.12.2025 passed in **Civil Revision Application No. 173/2024 in M/s. Sandip Construction and Developers Vs. Ashish Balasaheb Thote**. No case is made out.

8. The Civil Revision Application is rejected.

9. The Trial Court is requested to expedite the suit.

(**SHAILESH P. BRAHME, J.**)

mkd/-