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IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL REVISION APPLICATION NO.11 OF 2024

PIA SOCIEDADE SALECIAN OF SAO JOAO
BOSCO OR SALECIAN DON BOSCO REP BY
AUTH. REP. FRANCIS SILVEIRA

... APPLICANT

Versus

VRINDA UMANATH KANTAK AND 9 ORS

... RESPONDENTS

Mr. Esperdiao Dias Do Rosario, Advocate for the Applicant.

CORAM:- VALMIKI MENEZES, J.

DATED :- 16th April, 2026

P.C.:

1. This Revision application impugns order dated 31.10.2023 passed by the Civil Judge Senior Division "A" Court at Quepem, in Special Civil Suit No. 11/2017/A. The Civil Court has rejected the application filed by the Petitioner/original Defendant No. 2 seeking rejection of the plaint under Order 7 Rule 11 CPC. The main grounds for seeking rejection of the plaint was that the suit was barred by law of limitation.

2. It is submitted that the Plaintiffs seeks to challenge the Gift Deed dated 08.09.1948, executed in favour of the Defendant No. 2, with respect to the suit property. According to the Plaintiffs, the suit is ex-facie barred by limitation. It is also submitted that the Plaintiffs

have relied upon a document of the year 1944, which is an order of the Court allotting the suit property through Court auction to the donor who has ultimately gifted the suit property to the Defendant No. 2 vide Gift Deed dated 08.09.1948.

3. Perusal of plaint would reveal that it is the case of the Plaintiffs that they were residing in Bombay and it is only in the year 2016, when they researched for the title of their predecessors to the suit property that they came across a Will dated 08.09.1948, by which Francisco Antonio Humberto Mascarenhas has gifted the suit property vide Gift Deed dated 08.09.1948 to the Defendant No. 2. According to the averments made in the plaint, the knowledge attributable to the Plaintiffs, as pleaded is only in the year 2016, and the suit was filed in the year 2017, and according to the Plaintiffs, the suit is filed within limitation.

4. The Trial Court has considered these pleadings in detail, and on considering the case laws applicable to matters seeking rejection of the plaint under Order 7 Rule 11 of CPC has correctly applied the principles set out therein. On the averments made in the plaint, there is triable issue so as to decide the question whether the suit is within the limitation itself and the said issue which is required to be considered after the evidence is led by the parties.

5. Consequently, for the reasons stated above, I reject this petition.

However, considering that the suit relates to the year 2017, the Trial Court is requested to expedite the hearing of the suit and commence the evidence of the Plaintiffs at the earliest.

6. The petition stands disposed of accordingly.

VALMIKI MENEZES, J.