IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 334 OF 2026

Sanjay Sopan Alhat ...Applicant

Versus

Sameer Shrimant Alhat ...Respondent

Mr. Ganu Keluskar, a/w Pranjal Shewale and Pallavi Bhatt, for the Applicant.

SANTOSH SUBHASH KULKARNI

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Date: 2026.08.19 18:05:21 +0530

CORAM: N. J. JAMADAR, J.
DATED: 18th AUGUST, 2026

Oral Order:-

1. Heard the learned Counsel for the Applicant.

2. The challenge in this application is to an order dated 10th March, 2026 passed by the learned Civil Judge, whereby an application for rejection of the plaint preferred by the Applicant – Defendant No.13 under the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908, came to be rejected.

3. The thrust of the submission of Mr. Keluskar was that from the perusal of the averments in the plaint, it becomes evident that, the suit would be barred by law of limitation. It was further submitted that the Plaintiff is seeking declarations in respect of instruments executed in the year 1983, 2006 and 2008. The learned Civil Judge was just not justified in rejecting

the application for rejection of the plaint on the premise that the question of limitation warranted adjudication at the trial. It is imperative to note that the primary prayer in the plaint is that of partition and separate possession of the suit properties, which are alleged to be the joint family properties. The plaintiff asserts there has not been a partition by metes and bounds. The relief of partition, in the facts and circumstances of the case, cannot be said to be *ex facie* barred by law of limitation.

4. Even if the prayer of declaration in respect of one of the instruments may be urged to be barred by law of limitation, that would not be a ground for rejection of the plaint. It is trite that the plaint cannot be rejected in part. If the suit survives even in respect of one prayer or property, the suit must go for trial. A useful reference in this context can be made to the decision of the Supreme Court in the cases of ***Sejal Glass Limited vs Navilan Merchants Private Limited***[1] and ***Madhav Prasad Aggarwal and another vs. Axis Bank Limited and another***[2]

5. For the foregoing reasons, this Court does not find any legal infirmity in the impugned order.

6. The application stands dismissed.

[N. J. JAMADAR, J.]

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1 (2018) 11 SCC 780.

2 (2019) 7 Supreme Court Cases 158.