

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 582 OF 2023
WITH
INTERIM APPLICATION NO. 10350 OF 2025

Rajendra Manik Shinde & Ors.

.... APPLICANTS

: VERSUS :

Shahaji Narayan Shinde & Ors.

.... RESPONDENTS

Mr. Bhushan Raut, *for the Applicants.*

Mr. Amit Sale, *for the Respondents.*

CORAM : SANDEEP V. MARNE, J.

DATED : 26 MARCH 2026.

P.C. :

1) The Applicants have invoked revisionary jurisdiction of this Court under Section 115 of the Civil Procedure Code, 1908 (**CPC**) for assailing order dated 6 July 2023 passed by the Trial Court rejecting application filed by them under Order 7 Rule 11 of the CPC seeking rejection of the plaint.

2) I have heard Mr. Raut, the learned counsel appearing for the Petitioner and Mr. Sale, the learned counsel appearing for Respondents/Plaintiffs.

3) The suit is instituted by the Plaintiffs with a grievance that in the Consolidation Scheme, less area is indicated in the revenue records. Accordingly, Plaintiffs have sought a declaration of ownership of larger portion of land in the suit. In para-6 of the plaint, the Plaintiffs have pleaded that they acquired knowledge about mutation of lesser area in the year 2017.

4) Mr. Raut, invites Court's attention to the partition effected in the year 1983 in support of the contention that the cause of action for filing the suit arose in the year 1983. However, the suit is not filed for reopening of partition. In that view of the matter, whether the cause of action is actually relatable to implementation of Consolidation Scheme and whether the Plaintiffs really acquired knowledge of mutation of lesser area in the year 2017 are disputed questions of facts for which intrinsic evidentiary enquiry would be necessary. In my view, therefore, the Trial Court has rightly rejected the application filed by the Applicants at Exh.24. No interference is warranted in the impugned order. The Civil Revision Application is accordingly **rejected**. The issue of limitation is however kept open.

5) With rejection of the Civil Revision Application, the Interim Application taken out for restoration does not survive. The same also stands disposed of.

[SANDEEP V. MARNE, J.]