



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.96 OF 2026**

Sunil Shivaji Pagare	...	Applicant
versus		
David Danial Pagare and Ors.	...	Respondents

Mr. Narayan Rokade with Mr. Siddharth Ghodke, Mr. Ramchandra Wagh, for Applicant.

CORAM: N.J.JAMADAR, J.

DATE : 17 FEBRUARY 2026

P.C.

1. Heard the learned Counsel for the Applicant.
2. The challenge in this Application is to an order dated 4 October 2025, whereby the learned Joint Civil Judge, Junior Division, Yeola has rejected the application for rejection of the counter-claim preferred by the Respondents – Defendants in RCS No.534 of 2024.
3. Learned Counsel for the Applicant submitted that the Applicant – Defendant No.1 / Plaintiff in the counter-claim had filed RCS No.11 of 2019 and the said suit was withdrawn without liberty to institute a fresh suit and, yet, in the suit instituted by the Applicant – Plaintiff, the Defendants have filed a counter-claim on the same cause of action.
4. Learned Joint Civil Judge, Junior Division has recorded that the previous suit was for partition and permanent injunction and the instant suit is for declaration and permanent injunction. The parties to the suit are also not

same. Moreover, the cause of action for the counter-claim, as pleaded in paragraph No.9 is that, on 10 September 2024, the Defendants to the counter-claim obstructed the Plaintiffs in Counter-claim from entering into the suit property and thereby obstructed their access.

5. It is trite, at the stage of consideration of the prayer for rejection of the plaint, only the averments and the documents annexed to it are required to be read in a meaningful manner. In view of the clear and categorical assertion that the cause of action arose on 10 September 2024 on account of obstruction caused to the Plaintiffs in the Counter-claim, the learned Joint Civil Judge, Junior Division was justified in rejecting the application for rejection of the counter-claim.

6. Hence, the Civil Revision Application stands dismissed.

(N.J.JAMADAR, J.)