



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO.93 OF 2024

Nishant A. Thakre **Vs.** Hemraj S. Sakharkar

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. G. R. Bhake, Advocate for applicant.

Mr. S. Y. Deopujari, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : 16.04.2026.

. The present respondent, who is the plaintiff in Regular Civil Suit No.19 of 2024 pending on the file of the learned Civil Judge, Junior Division, Nandgaon Khandeshwar, has filed the said suit seeking declaration that defendant has no right to obstruct his peaceful possession over agricultural land owned by him bearing Gat No.25/1 admeasuring 1.19 H.R., and for perpetual injunction against forcible dispossession and removal of Dhura, separating the land owned by the plaintiff and land of the defendant.

2. Perusal of the plaint averments will demonstrate that, according to the plaintiff, the lands of plaintiff and defendant are clearly separated by a Dhura.

3. The revision petitioner/defendant filed an application vide Exhibit 21 for rejection of plaint on the ground that the contentions raised by the plaintiff are based on the measurement map dated 12.02.2024 which itself negates his case. This measurement is carried out

on an application made by the defendant. According to the learned advocate for the defendant, this measurement map indicates encroachment by the plaintiff over the land of the defendant. Be that as it may, the measurement map also indicates possession of the plaintiff which may be on the land owned by the defendant. This Court is not supposed to enter into the said arena. What needs to be seen is that, according to the plaintiff, he is in possession of his land, which is separated from the land of defendant by a permanent boundary i.e. Dhura.

4. The plaintiff's case is that his possession should not be disturbed without following due process. Such a suit is maintainable in law.

5. It will be open for the defendant to take recourse to appropriate legal course to recover possession of the portion of suit property which, according to him, belongs to him. The plaint certainly discloses the cause of action and, as such, application for rejection of plaint is rightly rejected by the learned Trial Court.

6. No case for interference is made out. Civil revision application is therefore **rejected**.

7. It is clarified that the above observations are made only for the purpose of deciding the present revision application, taking the plaint averments on their face value. All contentions with respect to merits of the

matter are kept open to be adjudicated by the learned Trial Court.

(ROHIT W. JOSHI, J.)

Ταηηγ...