



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

CIVIL REVISION APPLICATION NO.166/2025

Shri Nikhil Kishor Bawane and others

...Versus...

Sau. Nandatai alias Nirmala Vinayak Hajare and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Mohan Vishnu, Advocate for applicants

CORAM : ROHIT W. JOSHI, J.

DATE : 20/01/2026

1. The present Civil Revision Application is filed challenging the order dated 06/11/2024, passed by the learned 2nd Joint Civil Judge, Junior Division, Gadchiroli on application for rejection of plaint filed vide Exh.44 in Regular Civil Suit No.21/2024.

2. The plaintiffs had filed a suit for partition and separate possession, in which prayer is made for declaration that the relinquishment deed dated 01/02/2002 is illegal and void.

3. It is stated in the plaint that the plaintiffs gathered knowledge about the said relinquishment deed in the month of February, 2023 upon verification of revenue records. The plaintiffs have filed copy of 7/12 extract of the suit property along with suit. The said copy is downloaded from the official website on 29/12/2023.

4. In view of above, the learned Advocate for the defendants/revision petitioners states that the statement in the

plaint with respect to knowledge of impugned relinquishment deed dated 01/02/2002 is incorrect. He contends that this would give rise to presumption that the plaintiffs were always aware about the said document. I am afraid the contention cannot be accepted while dealing with application under Order VII Rule 11 of the Code of Civil Procedure. The plaintiffs have specifically stated that they gathered knowledge about the relinquishment deed in February, 2023 and the suit is filed in the year 2024. The 7/12 extract, to which reference is made by the learned Advocate for the revision petitioners, is downloaded on 29/12/2023. It is, therefore, clear that the plaint averments taken on its face value do not indicate that the suit is barred by limitation. Civil Revision Application is, therefore, rejected.

(ROHIT W. JOSHI, J.)