



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

CIVIL REVISION APPLICATION NO.20 OF 2026

Pandhari Manikrao Gavhad and another .Vs. Gajanan Bapurao Saraf and others

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

Court's or Judge's Order

Mr. M.R. Malpani, Advocate for petitioners.

CORAM : ROHIT W. JOSHI, J.

DATE : 13/02/2026

1. The present Revision Application is filed in order to challenge the order dated 18.11.2025 passed by the learned Civil Judge Junior Division, Sindkhed Raja, on application at Exh.16 in Regular Civil Suit No.17 of 2025. The revision petitioners are the original defendants, who claims that they have purchased the suit property vide registered sale deed dated 22.02.2019 from the plaintiff Nos.2 and 3. The plaintiffs, including the plaintiff Nos.2 and 3, have filed a suit seeking a declaration of ownership and possession over the suit property and for injunction restraining the defendants (revision petitioners) from disturbing their possession over the same. It is the case of the plaintiffs that the property was owned by three brothers namely Baburao, Vasantao and Govind. The vendors/plaintiff Nos.2 and 3, are widow and son of Vasantao, one of the co-owners.

2. The contention of the learned Advocate for the revision petitioners/defendants is that the suit is barred by limitation, since it was filed on 01.02.2025, although the

sale deed in question is dated 22.02.2019 and the second contention is that the plaintiffs have not sought cancellation of the sale deed.

3. The defendants have purchased property from two legal heirs of one of the erstwhile owners Vasantrao viz. Plaintiff Nos.2 and 3. The plaintiff Nos.1 and 3 to 9 have not signed the sale deed. It is well settled that a person who is not a party to a document of conveyance of property need not challenge the document or seek cancellation of the same, and that a declaration that the said conveyance is not binding on him is an appropriate relief to be sought in case the transaction is not acceptable to such person. The contention that the suit is not maintainable since prayer for cancellation of sale deed is not incorporated is therefore liable to be rejected. This contention may hold good only for plaintiff Nos.2 and 3. It cannot be accepted with respect to other plaintiffs. It is well settled that a plaint cannot be rejected in part and therefore it cannot be said the suit is not maintainable because cancellation of the sale deed executed by plaintiff Nos.2 and 3 in favour of defendants is not sought.

4. As regards the contention with respect to limitation, since the plaintiff Nos.1 and 3 to 9 are not parties to the sale deed, they are not required to challenge the same. Therefore, Article 59 of the Limitation Act will be applicable qua plaintiff No.1 and 3 to 9. The contention with respect to limitation is therefore liable to be rejected.

5. As regards the cause of action, the plaintiffs have stated in paragraph -5 of the plaint that on 19.01.2025 the defendants tried to obstruct their entry in the suit property which gives rise to cause of action.

6. Civil Revision Application is therefore **rejected** with no order as to costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate