



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

CIVIL REVISION APPLICATION NO.50 OF 2026

Dayaramji R. Pethe Vs. Vimal N. Lichade and ors.

*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. Pande, Advocate for applicant/appellant.

CORAM : ROHIT W. JOSHI, J.

DATE : 07.04.2026.

. The present revision application is filed in order to challenge order dated 24.02.2026 passed by the learned Joint Civil Judge, Junior Division, Nagpur on application at Exhibit 35 in Regular Civil Suit No.256 of 2024, whereby the learned Trial Court has rejected application for rejection of plaint filed by the revision petitioner, who is defendant in the civil suit.

2. The suit is filed for deceleration of ownership over the suit property, mandatory injunction for removal of encroachment and permanent injunction restraining the defendant from disturbing possession of plaintiffs over the suit property.

3. The suit is filed on or around 30.01.2024. The learned advocate for the revision petitioner contends that the suit is barred by limitation, as can be seen from legal notice dated 16.11.1988 issued by the husband of plaintiff No.1 and father of plaintiff Nos.2 and 3. Learned

advocate contends that the plaintiffs have verily suppressed the said legal notice.

4. It is well settled that application under Order VII Rule 11 of the Code of Civil Procedure, 1908, (for short, “the CPC”) is required to be decided on the basis of plaint averments. Defence of the defendant cannot even be seen while deciding an application under Order VII Rule 11 of the CPC. There is no reference to alleged notice dated 16.11.1988 in the plaint.

5. In view of the aforesaid, the plaint cannot be rejected on the basis of contention raised by defendant with respect to the said notice and the ground of limitation raised on the basis of the said notice.

6. Civil Revision Application is, therefore, **rejected**.

(ROHIT W. JOSHI, J.)

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