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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.322 OF 2019

Babasaheb @ Pandurang Vithoba Darekar & Ors.*Applicants*

: *Versus* :

Rupali Sachin Dhamankar & Ors.*Respondents*

Mr. Sudhir V. Sadavarte *for the Applicants.*

Mr. Vinod P. Sangvikar *for the Respondents.*

CORAM : SANDEEP V. MARNE, J.

DATED : 10 NOVEMBER 2025.

P.C :

1) The Revision Application challenges order dated 4 February 2019 passed by the 11th Civil Judge Senior Division, Pune at Vadgaon, Maval rejecting the application preferred by the Applicants for rejection of plaint under Order 7 Rule 11A and D of the Civil Procedure Code, 1908 (**the Code**).

2) I have heard Mr. Sadavarte, the learned counsel appearing for the Revision Applicants and Mr. Sangvikar, the learned counsel appearing for the Respondents/Original Plaintiffs.

3) Rejection of plaint was sought by the Applicants on the grounds of absence of cause of action and suit being barred by limitation.

4) So far as absence of cause of action is concerned, the suit is filed for partition and separate share of the suit property. The suit properties are alienated in favour of various persons and accordingly prayer is sought for a declaration that such alienation is not binding on the share of the Plaintiff. The plaint thus disclosed sufficient cause of action. So far as the issue of limitation is concerned, the learned Trial Court has held that it is a mixed question of law and facts. I am not inclined to interfere in the impugned order. The Revision Application is accordingly **rejected**.

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[SANDEEP V. MARNE, J.]