

**Order Below Exh.- 67**

1. The defendant have filed the present application under Order 7 Rule 11 (a) and (d) stating that the suit is required to be dismissed. The defendants have argued that the present suit has been filed after many years and hence the suit is barred by law of limitation. The defendants have argued that the plaintiff have no cause of action to file the present suit. The plaintiff have filed his reply to the application under Order 7 Rule 11(a) and (d) and have strongly opposed the application under Order 7 Rule 11(a) and (d). The plaintiff have stated that they have filed the suit within period of limitation and have cause of action to file the present suit. The Ld. Advocate for the plaintiff have filed written argument vide Exh-70. The defendants have filed his written arguments vide Exh-71.

2. I have heard the Ld. Advocate for both the sides. I have gone though the record of the case. The Ld. Advocate for the defendants have filed the present application under Order 7 Rule 11(a) and (d) but at the time of argument he has not stated how the present case falls under Order 7 Rule 11(a) and (d). The defendant have not stated how there is no cause of action to file the present suit and how the suit is time barred. The Ld. Advocate for the plaintiff have relied upon letter of Kheda Camp Seva Sahakari Mandli Ltd wherein it has been stated that seven survey numbers of Hirabhai Ukabhai stated in the letter have been mortgaged to Seva Sahakari Mandli which is on reocrd vide Mark 3/8. The plaintiff have relied upon the pedigree of Harkhabhai Somabhai which on record vide Mark 3/2 wherein Hirabhai was the son of Harkhabhai and he died. Hirabhai had two sons

Dahyabhai and Kushalbai who is the present plaintiff. Hence, the present plaintiff is the legal heirs of Hirabhai. The plaintiff is claiming his share in the disputed property which has not been given to him by the defendant. The period of limitation for claiming share in the property is 12 years as stated in Article 110 of the Limitation Act. On perusal of the pedigree which is on record vide Mark 3/2 which is of the year 2012 and present suit has been filed in the year 2014. Hence, the suit is within limitation and hence following order is passed.

**ORDER**

The present application under Order 7 Rule 11(a) and (d) is rejected.

No order as to cost.

**Place: Kheda**  
**Date:08/04/2025**

**Nikhil Chandrasen Jadhav**  
**Additional Senior Civil Judge**  
**Kheda**