

MHLA110005372025



**ORDER BELOW EXH.52 IN**  
**REGULAR CIVIL SUIT NO.65/2025**  
**GANESH VS. COLLECTOR & ORS.**

1. This is an application filed by defendant under Order VII Rule 11 of the Code of Civil Procedure, 1908 for rejection of plaint.
2. Perused the application and say filed thereon. Heard Learned Counsels for the both sides.
3. Learned Counsel for defendant submitted that plaintiff has filed this suit for declaration and injunction. Defendant No.4 had filed application before Tahasildar and the said application is decided by Tahasildar on 24/07/2023 in proceeding No.2023/jama/ROR/kavi-766 which is the subject matter of this suit. Plaintiff ought to have file this suit within one year from the date of order of Tahasildar. However, plaintiff has not filed this suit within limitation. Hence, it is prayed to reject the suit.
4. Plaintiff has resisted this application and submitted that plaintiff has filed this suit for declaration and injunction claiming that the order passed u/Sec.143 of MLRC is null and void which plaintiff is going to challenge within limitation. Therefore, this Court is having jurisdiction. So also, the order of concerned Tahasildar, Nilanga was passed on 17/07/2025 in proceeding No.2023/jama/ROR/kavi-766 and the present suit is filed by plaintiff on 02/08/2025 i.e. within one year from the date of order. However, plaintiff is challenging the said order within

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limitation. Therefore, the suit is within limitation and application is not tenable and prayed to reject the application.

5. The following points arise for my determination to which I have recorded my findings for the reasons stated as under:

<u>Sr.No.</u>	<u>Points</u>		<u>Findings</u>
1)	Whether this Court has jurisdiction to try this suit?	...	In the Affirmative.
2)	What order?	...	As Per Final Order.

### **REASONS**

#### **AS TO POINT NO.1 :-**

6. It is well settled that the question of jurisdiction whether the suit is exclusive triable by Revenue Court and Civil Court has no jurisdiction to try the same, averments in the plaint are carefully to be looked into all the allegations made in the plaint should be taken in to consideration for the purpose of determining the question of jurisdiction. It is also further settled law that it is a substance of the plaint and the true nature of the suit that is to be seen to determine the question of jurisdiction. If in the substance, the relief claimed is one which the Revenue Court alone are entitled, the jurisdiction of Civil Court will be ousted.

7. It is pertinent to note here that an aggrieved persons have two options to challenge the order of Tahasildar u/Sec.143 of MLRC. One is to file suit within one year as per Section 143(4) or pursue appeal or revision under the Code. If the appeal is filed by the aggrieved party then it is continuation of order passed by Tahasildar. If the said remedy is exhausted, the one year bar in

Section 143(4) doesn't strictly apply, the challenge falls under the general Civil Law, allowing for a suit within the standard 3 year limit for declaratory relief. If plaintiff choose to file a civil suit u/Sec.143(4) he is barred from filing an appeal or revision under the MLRC as Section 143(5) indicates an exclusive choice between remedies. In the present suit, plaintiff has to choose to file the present suit instead of filing appeal. It is seen from the documents filed on record that Tahasildar, Nilanga has passed the orders in proceeding No.2023/jama/ROR/kavi-766 on 17/07/2025. The said order is challenged by plaintiff in this Court on 28/07/2025. Therefore, the suit is well within limitation. Therefore, in this circumstances it is clear that this Court has jurisdiction to try the present suit. Hence, I record my finding to Point No.1 'in the affirmative'.

**AS TO POINT NO.2 :-**

8. In view of above mentioned discussion, Civil Court has jurisdiction to try the present suit, I hold that application is liable to be rejected. Hence, I pass the following order:-

**ORDER**

- 1) Application at Exhibit No.52 is hereby rejected.
- 2) Suit to proceed further.

Nilanga  
Dt.:- 09/01/2026

(Smt. V. D. Bhosale)  
Jt. Civil Judge Sr. Dn., Nilanga.