



ORDER BELOW EXHIBIT 20
(Passed on this 7th day of November, 2025)

1. This is an application by the defendants under Order VII Rule 11 of the Code of Civil Procedure for rejection of the plaint.

2. It is the case of the defendants that the suit is barred by limitation and does not disclose any proper cause of action. It is further submitted that the 7/12 extract of the suit property shows the suit property to be non-agricultural in nature. Therefore, the plaintiff ought to have valued the suit and paid court fees as per the rate applicable for non-agricultural land. Hence, the defendants prayed for rejection of the plaint.

3. On the other side, the plaintiff has resisted the application contending that the plaint discloses a valid cause of action and raises triable issues. It is further submitted that the question of limitation is mixed questions of law and fact which cannot be adjudicated at this preliminary stage. Moreover, the plaintiff also submitted that he has paid appropriate court fees. Hence, the application liable to be rejected.

4. Heard the learned advocates for both the sides. Perusal of the plaint showcase that the plaintiff has specifically pleaded that the suit property is ancestral in nature and he has 1/2 share therein. He has further

alleged that the name of Mansingh Ganpat Ranjane is entered in the revenue records on the basis of a fabricated sale deed dated 02-09-1968, and thereafter the property was wrongly gifted in favour of the defendants. It is necessary to note that these averments, on their face, disclose a cause of action requiring adjudication.

5. Furthermore, as regards the contention of limitation, it is necessary to note that unless the bar of limitation is apparent on the face of the plaint itself, the same cannot be a ground for rejection under Order VII Rule 11(d) of the Civil Procedure Code. In the present case, the issue of limitation will depend upon the evidence as to when the plaintiff first came to know about the alleged fraudulent entry and the gift deed. Hence, it cannot be decided at this stage.

6. Furthermore, as to the objection regarding court fees, it is necessary to note that though the 7/12 extract describes the property as non-agricultural, the plaintiff has pleaded that it is ancestral property forming part of the family estate. Whether the land is actually non agricultural or agricultural and what valuation or court fee should apply are questions of fact to be determined after evidence. At this stage, a mere entry in the 7/12 extract does not, by itself, decide the nature or classification of land for the purpose of rejecting the plaint *in limine*. Therefore, at this juncture, the valuation adopted by the plaintiff cannot be held to be incorrect merely on the basis of the contention of the

defendants. In view of the above discussion, this Court finds that the plaint cannot be rejected under Order VII Rule 11 of the Code of Civil Procedure. Consequently, the following order is passed :

ORDER

1. The application under Order VII Rule 11 of the Code of Civil Procedure is rejected.
2. No order as to costs.

Date: 07-11-2025
Place: Mahabaleshwar, Satara

(Uday S. Ivare)
Civil Judge, Junior Division

Certificate

The contents of the PDF file are same, word to word correct as per original order.

Court Name	:	Shri. U. S. Ivare Civil Judge Junior Division, Mahabaleshwar.
Order date	:	07.11.2025.
Order signed date	:	07.11.2025.
Name of Stenographer	:	Shri. S. S. Kadam, Stenographer L.G. - 3
Order uploaded date	:	10.11.2025