

ORDER BELOW EXHIBIT 91
(Passed on 27/11/2025)

1. This application is filed by defendant No.1 /applicant under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (Herein after referred to as '*The C.P.C.*'). Say filed by the plaintiff/non-applicant (Hereinafter the parties are referred to as **the Defendant and Plaintiff**). Heard Ld. Advocate for the plaintiff and defendant. Perused the record and documents.

2. In short, it is the contention of the defendant that, the plaintiff has falsely filed a suit for declaration and permanent injunction. As per the pleading of plaintiff she has stated that the revenue records were updated in the name of defendant in the year 2000. Till date plaintiff did not object for the same. It is after lapse of 14 years, plaintiff has filed a suit which is barred by law of limitation. Plaintiff has filed false and illegal sale-deed. Plaintiff has not right to file suit against its true owner. Defendant is the owner and in possession of the suit property. Therefore, the defendant prayed for dismissal of a suit under Order 7 Rule 11 of the C.P.C.

3. The plaintiff opposed the application and submitted that, application is not tenable under law. Plaintiff has filed his evidence on record. Now the case is pending for defence evidence. However, defendant's evidence was closed. Thereafter, defendant applied for setting aside the said order. The application is filed with intent to

prolong a matter. Therefore, he has prayed for rejection application with costs.

4. Read the plaint, application and say of the plaintiff. Perused the record. Order 7 Rule 11 of the C.P.C. provides for rejection of the plaint on the following grounds :-

- a) Where it does not disclose a cause of action.
- b) Where the relief claimed is under valued, and the plaintiff on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so.
- c) Where the plaint is written upon the paper insufficiently stamped.
- d) Where the suit appears from the statement in the plaint to be barred by any law.

5. It appears from the plaint that the plaintiff filed a present suit praying for declaration and permanent injunction with respect to suit property as described in para no.1 of the plaint by the virtue of her ownership and possession. She has specifically contended the same in para no. 2 & 4 of the plaint. It is further contended in para no.8 of the plaint that the cause of action for filing the present suit arose in May 2014 and on 25/05/2014. Record discloses that issues were framed at Exh.41 on 05/10/2017. Thereafter plaintiff filed evidence of his witnesses at Exh.57, 74, 75, 84 & 85. Thereafter, plaintiff filed pursis Exh.78 and closed his evidence. On 08/10/2025 vide order below Exh.1 evidence of the defendant came to be closed as Exh.87 order not complied. Thereafter, the case was put up for final argument.

6. In view of the discussion supra as the plaintiff filed the present suit claiming for declaration and permanent injunction with respect to the suit property by the virtue of his title and possession. Therefore, he has sought a relief as contended. It further appears that the issues were framed at Exh.41. Where in vide issue at Sr.No.1 plaintiff is casted with a burden to prove ownership and possession of the suit property. So also issue at Sr. No.3 is with respect to limitation. It is a settled principle that, every person has a legal right to protect his property by appropriate proceeding. Therefore, at this stage it can not be said that only on the basis of objection as contended by defendant the present suit is liable to be dismissed. The contentions as raised by the defendant is not covered under Order 7 Rule 11 of the C.P.C. Hence, considering the submissions, facts and circumstances of the case, I am not inclined to allow the present application. Therefore, application deserves to be rejected. Hence, I am inclined to pass the following order:

ORDER

1. Application Exh.91 is rejected.
 2. Costs in main cause.
- (Dictated and pronounced in open Court).

Date:- 27/11/2025

Sd/-
(**Ms. Trushna G. Bansod**)
Jt. Civil Judge, (Jr.Dn.),
Manora.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

Name of the Stenographer	-	Smt. R. K. Chavhan(Grade-III)
Court	-	(Ms. T. G. Bansod) Jt. CJJD & JMFC, Manora.
Date of Judgment/Order	-	27/11/2025
Judgment/Order signed by the Presiding Officer on	-	27/11/2025
Judgment/Order uploaded on	-	27/11/2025