Order below Exhibit-14

1. The suit is filed for seeking the relief of cancellation of registered instruments, declaration & permanent injunction. The present application has been filed by the defendants seeking rejection of the plaint as per Order VII, Rule 11(a) & (d) of the CPC.

2. The Plaintiff has filed this suit seeking declaration and permanent injunction in respect of agricultural land situated at Moje Kolavada, Taluka and District Gandhinagar, bearing Survey and Block Nos. 1217, 1318 Paiki 1, 1318 Paiki 2 and 1321 (admeasuring 28,410 Sq. Mtrs, the "Suit Land"). The Plaintiff contends that the said land was originally granted by the Gaekwad Government as Dharmada Chakariyaat to his ancestors in their capacity as hereditary priests of Shri Nilkanth Mahadev Temple, and has stood in the revenue records since 2013 in the joint names of the Plaintiff and four other family members as owners and possessors. The Plaintiff avers that in 2019, taking undue advantage of his financial need, the Defendants, who were engaged in the business of lending money on interest, obtained his signatures on what he believed to be a pending mortgage deed against a loan of Rs. 40,00,000, but which the Defendants fraudulently got registered three years later, on 06/09/2022, as a Power of Attorney. Thereafter, on the basis of such Power of Attorney, the Defendants executed a registered Sale Deed dated

13/09/2022 for a grossly undervalued consideration of Rs. 50,00,000 as against the actual market value exceeding Rs. 50 crores, without the Plaintiff's knowledge, consent or presence, and in collusion with the Sub Registrar. The Plaintiff, who claims to be in continuous physical possession of the Suit Land along with the other joint owners, seeks declarations that the said Power of Attorney and Sale Deed are void ab initio, illegal, without consideration and without possession, along with a permanent injunction restraining the Defendants from interfering with his possession, creating encumbrances, or alienating the Suit Land to third parties. The plaint also refers to a pending revenue dispute registered as Case No. 1158/2022, a complaint filed under the Land Grabbing Act, and connected civil proceedings, namely Civil Appeal No. 38/2021 and R.C.S. No. 480/2022, touching the same subject matter.

3. The Defendants No. 1 and 2 have filed the present application under C.P.C. Order 7 Rule 11(d) seeking rejection of the Plaintiff's plaint, contending that the suit filed on 18/01/2023 for cancellation of the registered Sale Deed and Power of Attorney and for declaration and permanent injunction is barred by limitation under Articles 56 and 59 of the Limitation Act, 1963, since both provisions prescribe a period of three years from the date of knowledge of the registration or of the facts entitling cancellation, and the Plaintiff himself admits knowledge of the transaction dated 08/05/2019. The Defendants further submit that on a plain reading of the Plaintiff's own pleadings in Para 3 of the plaint, along with the documentary record, it is evident that the Plaintiff received Rs. 40,00,000 through two cheques bearing Nos. 399452 and 000045 pursuant to a registered Irrevocable

General Power of Attorney with consideration dated 08/05/2019, and that the Plaintiff never issued any notice seeking cancellation of the said Power of Attorney despite having full knowledge of its execution, rendering the Plaintiff's claim of having signed a pending mortgage document under mistaken belief unbelievable and an afterthought. The Defendants therefore assert that the suit has been filed through clever drafting, based on false, frivolous and vexatious claims, without the Plaintiff approaching the Court with clean hands, and pray that the plaint be rejected or the suit dismissed under Order 7 Rule 11(d) C.P.C. as barred by limitation, with costs awarded to the Defendants, along with any other relief deemed fit by the Court.

4. The right of the plaintiff to file reply was closed by passing an order in Rojkam on 13.04.2026.

5. This Court is of the view that it is well settled that while deciding an application under Order 7 Rule 11(d) of the Code of Civil Procedure, the Court must confine itself only to the averments made in the plaint, read as a whole and taken to be true, without looking into the defence set up by the defendants. The plaint can be rejected only if it is clear on its own averments that the suit is barred by law. In the present case, the Plaintiff has specifically pleaded that he was made to sign the documents dated 08.05.2019 believing them to be a pending mortgage deed, on the assurance of the Defendants. He has further pleaded that these documents were later converted into a Power of Attorney and thereafter into a registered Sale Deed dated 13.09.2022, without his knowledge, consent or presence, and in collusion with the Sub Registrar. He states he came to know of this only on 07.11.2022, upon noticing the mutation entry. If these averments are taken as true for the purpose of this application, the present suit, filed on 20.01.2023, falls within the period of three years prescribed under Articles 56 and 59 of the Limitation Act, 1963, counted from the date of knowledge. Even if limitation is reckoned from the date of execution of the impugned Power of Attorney, that is 08.05.2019, as argued by the Defendants, the position does not change. Excluding the period from 15.03.2020 to 28.02.2022, in terms of the order of the Hon'ble Supreme Court directing exclusion of this period for computing limitation on account of the COVID 19 pandemic, the period of three years had still not expired by the date of institution of the present suit on 20.01.2023. The suit therefore remains within limitation on this reckoning as well. The question of whether the Plaintiff actually had knowledge of the true nature of the transaction on 08.05.2019 itself, as contended by the Defendants, or only on 07.11.2022, as pleaded by the Plaintiff, is a mixed question of fact and law. This cannot be decided at the threshold on a bare reading of the plaint and requires evidence. Similarly, the contentions regarding payment of consideration, execution of the Irrevocable General Power of Attorney, and the true character of the transaction touch the merits of the suit and must be tested at trial. In these circumstances, this Court is of the considered opinion that the plaint does not disclose, on its own averments, any bar created by law so as to warrant its rejection under Order 7 Rule 11(d) C.P.C. Accordingly, the application Exhibit-14 filed by the applicants-defendants No. 1 and 2 is hereby rejected, with no order as to costs. The suit shall proceed further in accordance with law.

ORDER

1. The present application is hereby rejected.
2. No order as to costs.

Announced in open Court. (Himanshu Choudhary)

25/08/2026 4th ASCJ, Gandhinagar; GJ01180