

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 313 of 2026**

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NAGARJUN MERUBHAI CHAUHAN & ORS.

Versus

PUSHPABEN RAMANBHAI PATEL & ORS.

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Appearance:

MR AMRISH K PANDYA(3219) for the Applicant(s) No. 1,2,3,4

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 30/06/2026

ORAL ORDER

1. Heard Mr. Amrish K. Pandya, learned advocate for the petitioners.

2. Mr. Pandya, learned advocate for the petitioners would submit that the impugned application filed under Order 7 Rule 11 of CPC ought to have been accepted by the Trial Court, as from the bare reading of the plaint, it has been stated by the respondents – plaintiffs that they have sold the suit land in favour of the petitioners by way of sale deed dated 09.06.2004, whereas suit in question was filed in the year 2022, challenging the very sale deed which was registered in the year 2009.

2.1 It is submitted that as per the documentary evidence placed on record by the plaintiffs with the suit as well as copy of registered sale deed and the endorsement made by the authority concerned that such sale deed in fact presented in the year 2004 but there was an objection raised by the Registrar about stamp duty under Section 32 of the Bombay Stamps Act, 1958, a case was registered as Case No.9690 of 2004 and finally, sale deed was registered on 22.09.2009.

2.2 It is further submitted that as per the copy of index produced by the plaintiffs, mutation entry in the revenue record was effected by the authority on 27.10.2009, wherefrom also, it can be easily inferred that the plaintiffs are having a knowledge of registration of a sale deed in the year 2009 itself. So, the suit filed seeking cancellation is *ex facie* time barred.

3. Having heard Mr. Pandya, learned advocate for the petitioners and considering his submissions as well as the averments made in the plaint, more particularly para-3 of the plaint of the plaintiffs, wherein plaintiffs have admitted that sale deed was executed on 09.06.2004 being document No.9690 of 2004. Even the copy of the registered sale deed and the documents annexed therewith would also indicate the very number and the authority finally registered the sale deed on 22.09.2009.

4. *Prima facie*, upon appreciation of the entire set of facts pleaded by the plaintiffs along with the documents annexed with the plaint, suit seeking cancellation of such sale deed is filed beyond period of three years from the date of knowledge of such document. Thus, issue involved in this revision application requires consideration.

5. Hence, **RULE** returnable on **12th October, 2026**. *Ad interim* relief in terms of para-8(B).

(MAULIK J.SHELAT,J)

Lalji Desai