

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 90/2026

Smt. Mukeshi, W/o Vijay Singh,

-----Petitioner

Versus

Satyanarayan, & Ors.

-----Respondents

For Petitioner(s) : Mr. Nikhlesh Katara
Mr. Vivek Kumar Meena
Ms. Rashmi Meena

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

25/02/2026

1. While impugning the order dated 17.01.2026 passed by the learned Civil Judge, Karauli, whereby the application filed by the petitioner under Order 7 Rule 11 of CPC, was rejected; learned counsel for the petitioner submits that the plaintiff/respondents have executed the sale deed dated 25.07.2005 and the present suit for cancellation of the sale deed was filed on 13.10.2025, after a period of 20 years, whereas the limitation to seek cancellation of a sale deed is 3 years and the present suit has been filed with an inordinate delay of 17 years. He further submits that the learned Court below erred in dismissing the said application while observing that the issue of limitation is a mixed question facts and law and the same cannot be considered at the preliminary stage and will be considered after framing of the issues.

2. In order to buttress his contention, learned counsel places reliance upon the judgment passed by the Hon'ble Supreme Court in the matter of **C.S. Ramaswamy vs. V.K. Senthil & Ors.**¹

which is held as under:-

"7.9 Applying the law laid down by this Court in the aforesaid decisions on exercise of powers Under Order VII Rule 11 Code of Civil Procedure to the facts of the case on hand and the averments in the complaints, we are of the opinion that both the Courts below have materially erred in not rejecting the complaints in exercise of powers Under Order VII Rule 11(d) Code of Civil Procedure. The respective suits have been filed after a period of 10 years from the date of execution of the registered sale deeds. It is to be noted that one suit was filed by the minor, which was filed in the year 2006, in which some of the Plaintiffs herein were also party to the said suit and in the said suit, there was a specific reference to the Sale Deed dated 19.09.2005 and the said suit came to be dismissed in the year 2014 and immediately thereafter the present suits have been filed. Thus, from the averments in the complaint and the bundle of facts stated in the complaint, we are of the opinion that by clever drafting, the Plaintiffs have tried to bring the suits within the period of limitation, which otherwise are barred by limitation. Therefore, considering the decisions of this Court in the case of T. Arivandandam (supra) and other decision of Raghwendra Sharan Singh (supra), and as the respective suits are barred by the law of limitation, the respective complaints are required to be rejected in exercise of powers Under Order VII Rule 11 Code of Civil Procedure."

3. Heard.

4. In view of the above and more particularly that the plaintiff/respondents have executed the sale deed dated 25.07.2005 and the present suit for cancellation of the sale deed was filed on 13.10.2025, after a period of 20 years, issue notice to the respondents, returnable within six weeks.

5. In the meanwhile and until further orders, the proceedings in Civil Suit No.28/2025 of the impugned order dated 17.01.2026, shall remain stayed.

(MANEESH SHARMA),J

DEEPA-7