

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Revision Petition No. 18/2026

Brijmohan Gupta Son Of Shri Jagdish Narayan Ji, Aged About 77 Years, Resident Of House No. 595 Godho Ka Chowk Uchha Kua, Haldiyan Ka Rasta, Chowkdi Ghat Darwaja, Jaipur And Plot No. 247 Vivek Vihar, New Sanganer Road, Jaipur, Rajasthan

-----Petitioner

Versus

1. Smt. Indu Gupta, Aged 61 Years, Wife Of Mr. Govind Sharan Gupta, Daughter Of Late Mr. Jagdish Narayan, Resident Of 52/61 Pavan Sut Marg, Shipra Path, Mansarovar, Jaipur.
2. Smt. Urmila Gupta, Aged 77 Years, Daughter Of Late Shri Jagdish Narayan Ji, Resident Of 52/61 Pavan Sut Marg, Shipra Path, Mansarovar, Jaipur, Through General Attorney Devendu Gupta, Aged 38 Years, Son Of Shri Govind Sharan Gupta, Resident Of 52/61 Pavan Sut Marg, Shipra Path, Mansarovar, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Jaideep Malik,
Mr. Keshav Khandelwal

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

25/02/2026

1. The present revision petition has been filed by the petitioner under Section 115 of the Code of Civil Procedure, 1908 (CPC), assailing the impugned order dated 01.09.2025, passed by learned Additional District & Sessions Judge No.1, Jaipur Metropolitan-II, Jaipur, in Civil Suit No.391/2023 titled as '*Smt. Indu Gupta & Ors. Vs. Brijmohan Gupta*', whereby the application

filed by the petitioner/applicant under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC), was rejected.

2. Learned counsel for the petitioner submits that the suit filed by the respondents for possession, injunction, or mesne profits is barred by Article 113 of the Schedule to the Limitation Act, 1963. He further submits that the respondents' right to sue arose in 2017, whereas the present suit was filed in 2023, well beyond the limitation period prescribed under Article 113; he therefore prays that the present revision petition may kindly be allowed and consequently, the impugned order dated 01.09.2025 may kindly be quashed and set aside.

3. Heard and considered the submissions made by learned counsel for the petitioner, perused the impugned order and the material available on record.

4. From a perusal of the record, more particularly, the averments in the plaint and the reply thereto, it is evident that the present suit for possession, injunction or mesne profits has been filed by the plaintiffs/respondents based on two alleged Wills dated 07.12.1983 and 29.09.1984, whereby, certain immovable property, i.e., *House No. 595, Godhon Ka Chowk, Oon Cha Kuan, Haldion Ka Rasta, Chowkdi Ghat Darwaja, Jaipur*, was bequeathed to the plaintiffs/respondents. Thereafter, the defendant (who is the brother of the plaintiffs/respondents) was granted a license over part of the property and the said license was revoked vide notice dated 11.06.2018, and the suit was filed in 2023.

5. It would be apt to reproduce the period of limitation under Article 65 of the Limitation Act, 1963, for claiming possession of immovable property, which reads as under:

Article	Description of Suit	Period of limitation	Time from which period begins to run
65	For possession of immovable property or any interest therein based on title.	Twelve years	When the possession of the defendant becomes adverse to the plaintiff

6. From a perusal of the said Article 65 of the Limitation Act, 1963, it is evident that the limitation period for filing a suit for possession of immovable property based on title is twelve (12) years, not three (3) years under Article 113 as submitted by the learned counsel for the petitioner. Therefore, the contention raised by the learned counsel for the petitioner cannot be accepted.
7. That so far as the issue of payment of deficient court fee on the plaint is concerned, since suit has been valued at Rs.10,00,000/- in the plaint, and court fee of Rs.62,125/- has been paid. Therefore, it can be said that plaint can be rejected under Order 7 Rule 11 of CPC on that count, unless learned Trial Court found it otherwise. However, the aspect of the incorrect valuation or deficient Court fee, shall be considered after the parties lead evidence.
8. Apart from the above, a bare perusal of the impugned order dated 01.09.2025 reveals that the learned Court below has rightly considered all the pleas raised by the petitioner in detail and dismissed the application filed by the petitioner under Order 7 Rule 11 of CPC with a speaking and well reasoned order.
9. In view of the above, this Court is of the considered opinion that the impugned order dated 01.09.2025 does not suffer from

any jurisdictional error, perversity, or any legal infirmity so as to warrant any interference by this Court under the jurisdiction conferred under Section 115 of the Code of Civil Procedure, 1908.

10. Accordingly, the present Civil Revision Petition fails and is hereby dismissed.

11. The stay application and all other pending applications, if any, also stand disposed of.

(MANEESH SHARMA),J