



NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No. 27748 of 2025)

SHOBHA VASANT BHOIR & ORS. ... APPELLANT(S)

VERSUS

**SONI @ VANDANA
GURUMUKHDAS JAGIASI &
ORS. ... RESPONDENT(S)**

J U D G M E N T

SANJAY KAROL, J.

1. Leave granted.
2. The present appeal is directed against the impugned order dated 30.06.2025 passed in Civil Revision Application No. 242 of 2024 by the High Court of Judicature at Bombay, which affirmed the order dated 30.09.2023 passed by Civil Judge, Senior Division,

Kalyan in Exh. 42 & 45 in Special Civil Suit No. 80/2022 whereby an application under Order VII Rule 11 of the Civil Procedure Code, 1908¹ filed by the appellants² came to be rejected.

3. The present *lis* arises over Plot No. 1480, Ulhasnagar, Maharashtra³. The case put forth by the appellants before us is that, one Mr. Tukaram Daji Bhoir, was the original owner of the subject property and predecessor-in-interest of the appellants. In 1974, the Development Plan for the Ulhasnagar township was finalized wherein certain lands were reserved in public interest to provide infrastructure in the form of roads and other amenities. Those affected thereof were to be rehabilitated with alternate sites. The subject property forms part of the same.

4. It is alleged that the respondents⁴ herein purportedly entered into an unregistered agreement to sell over the subject property with the predecessor-in-interest of the appellants on 21.08.1984. A Power of Attorney was issued in favor of Bhagwan Hukumatrai Rajai-respondent No. 6 on 28.02.1991. Meanwhile on 13.01.1988 possession of the subject property was handed over to the Managing

¹ Hereinafter 'CPC'.

² Original Defendants No. 1 – 4.

³ Hereinafter 'the subject property'.

⁴ Original Plaintiffs.

Officer, Ulhasnagar for making the Hill Line Police Station. The possession of the subject property remains in their possession since.

5. On 15.11.2002, the predecessor-in-interest of the appellants had applied for a *Sanad* for construction over his plots. On 22.11.2002, the SDO, Ulhasnagar wrote a letter to Tukaram Daji Bhoir - appellant no.3 stating that as per the Surveyor's Report, the said land fell under Site No. 172, which was reserved for a Police Station and possession thereof was handed over in 1988.

6. Aggrieved thereof, the predecessor-in-interest of the appellants filed Revision Application No.11 of 2003 before the Authorized Chief Settlement Commissioner, Mumbai under Section 24 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954⁵. It was stated therein that it is the duty of the SDO concerned to allot alternate land to him, rather than simpliciter refusal of his application.

7. Thereafter, it has been stated by the appellants that their predecessor-in-interest Tukaram Daji Bhoir, filed an Affidavit of Truth on 01.10.2003 wherein he stated that he had *never sold, mortgaged, gifted, transferred by any general power of attorney,*

⁵ DPCR

sale deed, agreement to sell, or any other document to any person.

He passed away on 20.10.2010 and has thereafter been represented by the appellants, being his legal representatives.

8. *Vide* order dated 27.12.2016, the Chief Settlement Commissioner, Mumbai set aside letter dated 22.11.2002 issued by the SDO and remanded the matter back for fresh enquiry.

9. On remand, the SDO, Ulhasnagar issued a letter dated 20.02.2018 to the appellants to locate and identify suitable alternate property in lieu of the subject property. On 09.04.2018, the respondents addressed a letter to the SDO, asking for alternate site to be allotted to them instead of the appellants. The SDO refused to take cognizance of the claim by the respondents.

10. Aggrieved thereof, the respondents filed Appeal No. 30 of 2018 before Divisional Commissioner, Konkan Division. The said appeal came to be rejected *vide* order dated 07.01.2019. It was observed that the respondents have not sought any remedy before a Civil Court and, therefore, it cannot be said whether the sale deed or transfer is valid in law.

11. Meanwhile, the SDO, Ulhasnagar issued an allotment letter in favor of the appellants for alternate properties on 28.02.2019. Consequently, a Deed of Conveyance was also issued on 02.03.2019 in favor of the appellants. Being aggrieved thereof, the respondents filed a Writ Petition bearing number 2859 of 2019 before the High Court of Judicature at Bombay.

12. During the pendency of the above writ petition, the appellants executed registered sale deeds over the alternative properties allotted.

13. The High Court *vide* order dated 17.11.2021 dismissed the Writ Petition preferred by the respondents. It was observed that the subject property belongs to the Government. Moreover, the respondent had not initiated any civil proceedings to date, to establish their substantive rights over the subject property.

14. Thereafter, on 03.03.2022 the respondents filed a Civil Suit bearing registration number Special Civil Suit No. 80 of 2022 seeking specific performance of the agreement to sell dated 21.08.1994 and other consequential reliefs before the Civil Judge, Senior Division, Kalyan, Maharashtra.

15. The appellants herein filed two applications under Order VII Rule 11(d) of the CPC seeking rejection of the plaint as the suit was barred by limitation. It was stated therein that the suit was based on an unregistered instrument from 1984, and the suit was filed with an undue delay of *thirty-eight* years. Consequently, the suit is barred under Article 54 of the Limitation Act, 1963. Upon consideration of the application, the Trial Court *vide* order dated 30.09.2023 rejected the applications seeking rejection of the suit. The Trial Court observed that from the plaint, it did not appear that the suit was totally barred by limitation.

16. Dissatisfied, the appellants approached the High Court of Judicature at Bombay *vide* Revision Application No. 242 of 2024 under Section 115 of the CPC. *Vide* the impugned order the High Court rejected the civil revision and affirmed the order passed by the Trial Court. It was observed that there is no illegality or perversity in the reasons recorded by the Trial Court.

17. We have heard the learned senior counsel on behalf of the appellants, learned counsel appearing on behalf of the respondents and the learned *amicus curiae*.

18. For ready reference Order 7 Rule 11, which pertains to rejection of plaint, reads as follows:

“11. Rejection of plaint. - The plaint shall be rejected in the following cases-

- (a) where it does not disclose a cause of action;
- (b) where the relief claimed is undervalued, 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 relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- (d) where the suit appears from the statement in the plaint to be barred by any law;
- (e) where it is not filed in duplicate;
- (f) where the plaintiff fails to comply with the provision of rule 9:

Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature for correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.”

19. The purpose behind the remedy under Order 7 Rule 11(d) is to prevent protracted proceedings in a civil suit, which on a plain

reading itself is barred by law. While considering the scope of such an application under Order 7 Rule 11, this Court in ***Dahiben v. Arvindbhai Kalyanji Bhanusali***⁶ had observed:

“23.2. The remedy under Order 7 Rule 11 is an independent and special remedy, wherein the court is empowered to summarily dismiss a suit at the threshold, without proceeding to record evidence, and conducting a trial, on the basis of the evidence adduced, if it is satisfied that the action should be terminated on any of the grounds contained in this provision.

23.3. The underlying object of Order 7 Rule 11(a) is that if in a suit, no cause of action is disclosed, or the suit is barred by limitation under Rule 11(d), the court would not permit the plaintiff to unnecessarily protract the proceedings in the suit. In such a case, it would be necessary to put an end to the sham litigation, so that further judicial time is not wasted.”

(emphasis supplied)

20. More recently, this Court in ***Correspondence, RBANMS Educational Institution v. B. Gunashekar and Anr.***⁷ had observed to similar effect:

“14.1. Thus, it is clear that the above provision viz., Order VII Rule 11 CPC serves as a crucial filter in civil litigation, enabling courts to terminate proceedings at the threshold where the plaintiff's case, even if accepted in its entirety, fails to disclose any cause of action or is barred by law, either express or by implication. The scope of Order VII Rule 11 CPC and the authority of the courts is well settled in law. There is a bounden duty on the Court to discern and identify fictitious suit, which on the face of it would be barred, but for the clever pleadings disclosing a cause of action, that is surreal.

⁶ (2020) 7 SCC 562.

⁷ 2025 SCC OnLine SC 793.

Generally, sub-clauses (a) and (d) are stand alone grounds, that can be raised by the defendant in a suit. However, it cannot be ruled out that under certain circumstances, clauses (a) and (d) can be mutually inclusive. For instances, when clever drafting veils the implied bar to disclose the cause of action; it then becomes the duty of the Court to lift the veil and expose the bar to reject the suit at the threshold. The power to reject a plaint under this provision is not merely procedural but substantive, aimed at preventing abuse of the judicial process and ensuring that court time is not wasted on fictitious claims failing to disclose any cause of action to sustain the suit or barred by law.”

(emphasis supplied)

21. It is settled law that the contents of the plaint have to be read as a whole, to ascertain the application of conditions enumerated under Order 7 Rule 11. This Court in *Madansuri Sri Rama Chandra Murthy v. Syed Jalal*⁸ had observed:

“7. The plaint can be rejected under Order 7 Rule 11 if conditions enumerated in the said provision are fulfilled. It is needless to observe that the power under Order 7 Rule 11CPC can be exercised by the Court at any stage of the suit. The relevant facts which need to be looked into for deciding the application are the averments of the plaint only. If on an entire and meaningful reading of the plaint, it is found that the suit is manifestly vexatious and meritless in the sense of not disclosing any right to sue, the court should exercise power under Order 7 Rule 11CPC. Since the power conferred on the Court to terminate civil action at the threshold is drastic, the conditions enumerated under Order 7 Rule 11CPC to the exercise of power of rejection of plaint have to be strictly adhered to. The averments of the plaint have to be read as a whole to find out whether the averments disclose a cause of

⁸ (2017) 13 SCC 174.

action or whether the suit is barred by any law. It is needless to observe that the question as to whether the suit is barred by any law, would always depend upon the facts and circumstances of each case. The averments in the written statement as well as the contentions of the defendant are wholly immaterial while considering the prayer of the defendant for rejection of the plaint. Even when the allegations made in the plaint are taken to be correct as a whole on their face value, if they show that the suit is barred by any law, or do not disclose cause of action, the application for rejection of plaint can be entertained and the power under Order 7 Rule 11CPC can be exercised. If clever drafting of the plaint has created the illusion of a cause of action, the court will nip it in the bud at the earliest so that bogus litigation will end at the earlier stage.”

(emphasis supplied)

22. In the above backdrop, we now proceed to examine the case at hand. Upon a complete reading of the contents of the plaint, it is evident that the foundation of the case of the respondents is the agreement dated 21.08.1984. We find no warranted explanation as to why no suit was initiated for execution of the Conveyance Deed for more than three decades. Article 54 of the Limitation Act, 1963 clearly specifies that the period of limitation for a suit of specific performance is three years.

23. Moreover, the High Court *vide* order dated 17.11.2021 has categorically noted that there is nothing on record to show that

possession of the subject property is with the respondents. Pertinently, no appeal was preferred against this observation.

24. We are not inclined to accept the submissions of the respondents that the period of limitation will run from the date of order of the High Court mentioned above. In our view, the High Court simply made a categorical observation that till date the respondents have not filed any substantive civil suit to establish their rights *qua* the subject property. In our view, by no stretch of imagination can this observation become the basis for a fresh period limitation or fresh basis for finally filing such a suit.

25. The appellants have rightly placed reliance on the exposition of this Court in *Mukund Bhavan Trust & Ors. v. Shrimant Chhatrapati Udayan Praje Pratapsinh Maharaj Bhonsle & Anr.*⁹. Therein this Court while allowing the application under Order 7 Rule 11 reiterated that the period of limitation will begin to run from the date when the right to sue first accrues and consequently held the suit to be barred by limitation.

26. In such a factual circumstance, we find substance in the argument put forth by the learned senior counsel for the appellants,

⁹ (2024) 15 SCC 675.

that the suit is clearly barred by limitation in the eyes of law. A litigant who has remained silent for decades cannot be permitted to file a suit as an afterthought, in ignorance of the laws of limitation.

27. Consequently, the present suit filed by the respondents is an abuse of process of the Court and barred by law.

28. In view of the above, the orders of the Courts below cannot be sustained. The present appeal is allowed and the order of the High Court of Judicature at Bombay dated 30.06.2025 passed in Civil Revision Application No. 242 of 2024 is set aside.

29. Pending applications, if any, are disposed of.

..... **J.**
(SANJAY KAROL)

..... **J.**
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
July 1, 2026