HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Revision Petition No. 62/2024
CNR: RJHC010100332024 | URN: CR / 152U / 2024

1. Smt. Shanti Baheti W/o Shri Shyam Baheti, Aged About 62 Years, B/c Maheshwari, R/o Kasturi Mansion,sardarpur E Road, Jodhpur.
2. Smt. Shashi Baheti W/o Shri Mahesh Baheti, Aged About 63 Years, B/c Maheshwari Baheti, R/o Kasturi Mansion, Sardarpur E Road, Jodhpur.
3. Smt. Sunita Baheti W/o Shri Jai Kishan Baheti, Aged About 58 Years, B/c Maheshwari Baheti, R/o Kasturi Mansion, Sardarpur E Road, Jodhpur.

----Petitioners

Versus

1. Smt. Sua Devi W/o Babulal Ji, Aged About 55 Years, D/o Late Pratapram @ Pattaram @ Pataram, B/c Lohar, R/o Village Pal, Tehsil And Dist. Jodhpur At Present Village Chali Tehsil Luni, Jodhpur Through General Power Of Attorney Badri Narayan S/o Shri Biraram Ji B/c Jat, Aged 56 Years, R/o 482 Subhash Nagar, 2Nd Pal Road, Jodhpur.
2. Shravanram S/o Late Shri Mangilal Ji, R/o Village Pal, Tehsil And Dist. Jodhpur.
3. Avardan S/o Late Shri Mangilal Ji, R/o Village Pal, Tehsil And Dist. Jodhpur.
4. Jogaram S/o Late Shri Mangilal Ji, R/o Village Pal, Tehsil And Dist. Jodhpur.
5. Smt. Rukmadevi W/o Late Shri Mangilal Ji, R/o Village Pal, Tehsil And Dist. Jodhpur.
6. Smt. Shobha W/o Late Shri Devaram, R/o Village Pal, Tehsil And Dist. Jodhpur.
7. Lalita D/o Late Shri Devaram, Being Minor Through Her Natural Guardian Mother Smt. Shobha W/o Late Shri Devaram , B/c Lohar. R/o Village Pal, Tehsil And Dist. Jodhpur.
8. Modaram S/o Late Shri Gorakhram, B/c Lohar, R/o Village Pal, Tehsil And Dist. Jodhpur.

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9. Chainaram S/o Late Shri Gorkharam, B/c Lohar, R/o Village Pal, Tehsil And Dist. Jodhpur.

10. Smt. Lali D/o Late Gorakhram, W/o Shri Jaisara Ji, B/c Lohar, R/o Village Gelawas, Panchayat Lunawas Kalan, Tehsil Luni, Dist. Jodhpur.

11. Smt. Mandi D/o Late Gorakhram, W/o Shri Chainaram Ji, B/c Lohar, R/o Khudiyala, Tehsil Balesar, Dist. Jodhpur.

12. Smt. Bala D/o Late Shri Gorakhram, W/o Shri Bhakarram, B/c Lohar, R/o Village Bhaniya, Tehsil Bilara, Dist. Jodhpur.

13. Smt. Santosh Devi W/o Late Gobarram, Daughter In Law Late Gorakhram, B/c Lohar, R/o Village Pal, Tehsil And Dist. Jodhpur.

14. Naresh S/o Late Gobarram, Grandson Of Gorakhram, B/c Lohar, R/o Vill. Pal, Tehsil And Dist. Jodhpur.

15. Dinesh S/o Late Gobarram, Grandson Of Late Gorakhram, R/o Vill. Pal, Tehsil And Dist. Jodhpur.

16. Ganga D/o Gobarram, R/o Vill. Pal, Tehsil And Dist. Jodhpur.

17. Jodhpur Development Authority, Through Secretary Addressat Jodhpur Development Authority, Jodhpur.

18. State, Through Tehsildar, Tehsil And Dist. Jodhpur.

----Respondents

For Petitioner(s)	:	Mr.O.P.Mehta Mr.V.D.Gaur Mr.Tanay Jain Mr.Zubin Ahmed
For Respondent(s)	:	Mr.Muktesh Maheshwari Ms.Akshita Depura

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

Date of Conclusion of Arguments : 20/07/2026

Date on which Order is Reserved : 20/07/2026

Full Order or Operative Part : Full Order

Date of Pronouncement : 14/10/2026

TABLE OF CONTENTS **page no.**

Grievance……4

Facts of the Case (paragraphs 2–9)……4–10

Observations and Findings……11–64

1. Scope of scrutiny under Order VII Rule 11 CPC and the requirement of a meaningful reading of the plaint……..11–14

2. Effect of the judgment dated 25.01.2021 passed by the coordinate Bench of this Court……14–17

3. Chronology of the transaction, subsequent development of the land, plaintiff's earlier revenue proceedings and material bearing upon knowledge……...17-26

4. Limitation: distinction between mixed question of law and fact, plaintiff's knowledge/accrual and intervening events……26–41

5. Absence of a Sustainable Cause of Action Against the Petitioners……41–47

6. Bona fide acquisition by petitioners, legitimate expectations and consequences of subsequent development……47-51

7. Frivolous Litigation, Illusory Cause of Action and the Duty to Prevent Abuse of Process……51-63

8. Conclusion……63

Operative direction……..64

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By the Court:-

Grievance-

1. The instant petition is filed under Section 115 of the Code of Civil Procedure, 1908, being aggrieved of and seeking quashing and setting aside of the impugned order dated 11.10.2023 passed by the learned Additional District Judge No.7, Jodhpur Metro, in Civil Original Suit No.59/2022, titled Sua Devi Vs. Sharvanram and Ors., whereby the learned Court below has dismissed the application preferred by the petitioners/defendants under Order VII Rule 11 of the Code of Civil Procedure, 1908.

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FACTS OF THE CASE

2. The controversy in the present revision petition arises out of agricultural land bearing Khasra No. 215, admeasuring 22 Bigha 5 Biswa, situated at Village Pal, Tehsil and District Jodhpur, which originally stood recorded in the name of Rawatram son of Ramaram. According to the plaint, Rawatram had three sons, namely Moolaram, Gorkharam and Pratapram @ Pattaram. After the death of Rawatram, Mutation No. 112 dated 17.05.1971 was sanctioned in favour of Gorkharam and Pratapram, excluding Moolaram. The said mutation was challenged by Moolaram before the District Collector, Jodhpur, who, vide order dated 22.05.1995, set aside the mutation and remanded the matter for fresh determination. Pursuant thereto, Mutation No. 112 was sanctioned afresh on 04.06.1995 in favour of Moolaram and Gorkharam and, in respect of the branch of deceased Pratapram, in favour of his

son Mangilal and widow Smt. Manudi. According to the facts emerging from the record the aforesaid mutation recognised a one-third share each in favour of Moolaram and Gorkharam, while the remaining one-third share was recorded jointly in favour of Mangilal, son of Pratapram, and Smt. Manudi, widow of Pratapram.

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3. It is the plaintiff's own case that, during the pendency of the aforesaid revenue proceedings,before the revenue authorities prior to 1995, Mangilal son of Pratapram and Gorkharam executed a sale deed dated 20.04.1995 in favour of the present petitioners, who were arrayed as defendants Nos. 16 to 18 in the suit, in respect of 7 Bigha 7 Biswa of land forming part of Khasra No. 215, pertaining to half of their share. The sale deed was registered on 27.06.1995, and a corrigendum deed was subsequently executed and registered on 29.06.1995, incorporating the name of Smt. Manudi. The plaintiff, Smt. Sua Devi, being the daughter of deceased Pratapram @ Pattaram, alleged that she had not been included in the mutation proceedings after the death of her father before 1995 and that the transfer was ineffective to the extent of her alleged share in the property inherited from her father.

4. Thereafter, Moolaram instituted a partition suit bearing No. 13/2002, which culminated in a judgment and decree dated 05.09.2002. In consequence thereof, Mutation No. 1927 was sanctioned on 03.12.2002, whereby 7 Bigha 8 Biswa 7 Biswansi was recorded in the share of Moolaram, while the remaining 14 Bigha 16 Biswa 13 Biswansi was recorded jointly in the names of

Gorkharam and the successors of Pratapram, with one-half share each.Consequently, the original land of Rawatram stood divided into three distinct shares, namely, one share attributable to Moolaram and the remaining two equal shares attributable respectively to the branches of Gorkharam and Pratapram. Thus, according to the revenue entries referred to in the application, the remaining land measuring 14 Bigha 16 Biswa 13 Biswansi stood recorded as comprising one-half share attributable to Gorkharam's branch and the other one-half share attributable to the branch of Pratapram, represented by Mangilal and Smt. Manudi. On this basis, the plaintiff subsequently claimed a one-sixth share in the aforesaid remaining land, quantified at 2 Bigha 9 Biswa 9 Biswansi. The defendants, however, disputed the very basis of this computation and contended that the plaintiff's inconsistent pleadings concerning the family lineage, the status of Moolaram and the respective shares of the branches rendered her claim untenable. They further asserted that, even according to the plaintiff's version before the revenue authorities, the land remaining after the impugned sale was sufficient to meet the share claimed by her and that the alienation in favour of the petitioners did not give rise to an enforceable cause of action in her favour.

4.1 Subsequently, the land purchased by the petitioners was subjected to proceedings for conversion from agricultural to residential use. By order dated 16.06.2006, the requisite proceedings for surrender of the land were undertaken in favour of

the Urban Improvement Trust, Jodhpur and a land conversion order got passed and accordingly residential pattas were thereafter issued in favour of the petitioners on 18.02.2007 and registered on 15.03.2007. Building permission was obtained on 25.03.2011, and the land was developed into a residential colony, with residential units being constructed and sold to third-party purchasers.

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5. The plaintiff initially claimed to have acquired knowledge of the revenue entries on 02.04.2012, upon obtaining a copy of the Jamabandi for the purpose of securing a loan, and accordingly preferred Revenue Appeal No. 18/2012 on 09.04.2012 before the competent revenue authority. She subsequently asserted that, upon obtaining further documents and learning of the petitioners' application for impleadment in the revenue proceedings, she discovered in January 2014 that the aforesaid sale deed and corrigendum deed had been executed. On 12.08.2014, she instituted the suit seeking declaration of her alleged share, partition by metes and bounds, separate possession, declaration of the sale deed and corrigendum deed as ineffective and void to the extent of her share, consequential relief concerning the residential pattas, and permanent injunction. She claimed a one-sixth share in the remaining land measuring 14 Bigha 16 Biswa 13 Biswansi, quantified at 2 Bigha 9 Biswa 9 Biswansi, while also asserting rights in the residential land developed by the petitioners.

5.1 The defendants, in their application under Order VII Rule 11 CPC, further highlighted an alleged inconsistency in the plaintiff's claim regarding the extent of her share. Whereas the plaint asserted a one-sixth share in the remaining land measuring 14 Bigha 16 Biswa 13 Biswansi, the relief clause concerning the residential land purchased and developed by the petitioners described her share therein as one-third. The defendants accordingly contended that the plaintiff had advanced inconsistent claims regarding the extent and source of her alleged entitlement. They also relied upon her application dated 23.05.2017 under Order XLI Rule 22 CPC,filed in revenue proceeding, in which she had asserted that she was entitled to one-half of her father's one-third share in the suit land and that she was in peaceful possession and cultivation of one-half of the land claimed by her. According to the defendants, these assertions were inconsistent with the pleadings subsequently advanced in the civil suit and were material to their objections concerning the existence of a cause of action and the maintainability of the suit.

6. The plaint was initially rejected invoking power under Order VII Rule 11 CPC by the learned District Judge, Jodhpur Metro, vide judgment dated 20.10.2014, taking action on an application filed at the instance of other defendants. The plaintiff challenged the said judgment by filing S.B. Civil First Appeal No. 286/2014 before a co-ordinate Bench of this Court aggrieved of dismissal of suit primarily on the ground of lack of jurisdiction. The co-ordinate Bench of this Court, vide judgment dated 25.01.2021, set aside

the rejection of the plaint and remanded the matter to the learned Trial Court for proceeding in accordance with law. The co-ordinate Bench held, inter alia, that the subject land had already been converted from agricultural to residential use before institution of the suit and that, on the basis of the plaint averments, the suit could not be rejected as barred under Section 207 of the Rajasthan Tenancy Act, 1955. It was expressly clarified that the observations made in that judgment would not constitute an expression of opinion on the merits of the contentions raised in the plaint and that the defendants would remain at liberty to raise all defences and issues not already decided by the learned Trial Court, once they appear before the Trial Court.

7. Following remand, the present petitioners, who were arrayed as defendants Nos. 16 to 18, preferred an application dated 08.02.2021 under Order VII Rule 11 CPC, seeking rejection of the plaint on grounds including absence of a cause of action, limitation, the plaintiff's alleged lack of an enforceable right in the property at the time of the sale, and the inconsistency between her pleadings in the suit and her stand before the revenue authorities. The defendants specifically contended that the plaintiff's claim to a one-sixth share in the remaining land and her claim to a one-third share in the residential land were inconsistent with the assertions attributed to her concerning the family lineage, the status of Moolaram and the respective shares of the branches of Gorkharam and Pratapram. They further asserted that, even on the basis of the plaintiff's version, the land remaining after the

sale was sufficient to accommodate the share claimed by her and that the sale deed and corrigendum deed did not prejudice any subsisting right of the plaintiff. Reliance was also placed on the registered sale documents, the subsequent conversion and residential development, the plaintiff's revenue proceedings, and her application dated 23.05.2017 under Order XLI Rule 22 CPC, wherein she had described the family lineage and the rights of the parties differently from the case subsequently set up in the civil suit. The defendants additionally raised objections concerning limitation, the alleged absence of a subsisting cause of action, non-claim of appropriate possessory relief, partial partition and non-joinder of necessary parties, besides challenging the maintainability of the suit in relation to the proceedings undertaken for conversion of the land to residential use.

8. The plaintiff opposed the application, contending that the question of limitation was a mixed question of law and fact, that her right to claim a share had arisen by succession, and that the reliefs sought by her were maintainable. By the impugned order dated 11.10.2023, passed in Civil Original Suit No. 59/2022, Sua Devi v. Sharvanram & Ors., the learned Additional District Judge No. 7, Jodhpur Metro, dismissed the application preferred by defendants Nos. 16 to 18. Aggrieved thereby, the present petitioners have invoked the revisional jurisdiction of this Court under Section 115 CPC.

9. Heard learned counsel for the parties and perused the material available on record.

OBSERVATIONS AND FINDINGS

1. Scope of scrutiny under Order VII Rule 11 CPC and the requirement of a meaningful reading of the plaint

10. The jurisdiction conferred upon a civil court under Order VII Rule 11 of the Code of Civil Procedure, 1908, though circumscribed by the conditions enumerated therein, constitutes an important judicial safeguard against the continuation of proceedings which, on a meaningful and comprehensive reading of the plaint, are found to disclose no cause of action or to be barred by law. The power is undoubtedly drastic in nature, for its exercise results in termination of the suit at the threshold; nevertheless, the existence of such power carries with it a corresponding obligation to exercise it where the statutory conditions are satisfied. The Court is not required to remain a silent spectator to litigation which, on the plaintiff's own pleadings and the material legally permissible to be considered at that stage, is manifestly untenable.

11. It is equally well settled that, while considering an application under Order VII Rule 11 CPC, the Court must ordinarily proceed on the basis of the averments contained in the plaint, read as a whole and taken at their face value, together with the documents relied upon by the plaintiff and such undisputed public documents as may lawfully be considered. The defence cannot be adjudicated as though the Court were conducting a trial, nor can disputed factual assertions be summarily resolved merely because the defendant disputes them. However, the rule that the plaint

must be read as a whole cannot be reduced to a mechanical exercise of isolating individual paragraphs or accepting a self-serving assertion of the date of knowledge without examining its consistency with the other pleadings and the material forming part of the record.

12. The distinction between a formal reading and a meaningful reading of the plaint assumes particular significance in the present matter. The question is not merely whether the plaintiff has described herself as the daughter of deceased Pratapram and has asserted an entitlement to a share. The real inquiry is whether the entire bundle of facts pleaded by her, when read in conjunction with the nature of the reliefs claimed, the admitted chronology of the transaction and the relevant public records, discloses a legally sustainable right to institute the present action against the purchasers after the lapse of nearly nineteen years from the execution of the sale deed.

13. The Hon'ble Supreme Court, in **Manjula and Others v. D.A. Srinivas**, Civil Appeal No. 7370 of 2026 [arising out of SLP (C) No. 7924 of 2024], has reiterated the principles governing the exercise of jurisdiction under Order VII Rule 11 of the Code of Civil Procedure, 1908. The legal position emerging from the aforesaid decision must be borne in mind while examining whether the plaint, upon a meaningful reading and in the light of the applicable statutory provisions, discloses a cause of action or is liable to rejection on any of the grounds enumerated under the said provision. The Court is required to examine the substance of the

pleadings rather than merely their form, while remaining conscious of the settled limitation that the defence cannot ordinarily be taken into consideration at this stage. The aforesaid principles assume particular significance in the present case, wherein the plaintiff’s claim is required to be examined in the context of the admitted chronology of the sale transaction, the subsequent revenue proceedings, the conversion and development of the land, and the plaintiff’s assertion regarding the date of knowledge of the impugned transaction.

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14. In the present case, the application dated 08.02.2021 was preferred by the present petitioners, namely defendants Nos. 16 to 18, in the suit. The petitioners' challenge is founded principally upon the plaintiff's own pleadings concerning the 1995 sale, the subsequent revenue proceedings, the residential conversion and development of the land, and the date on which she claims to have acquired knowledge of the transaction. These circumstances must be considered together to determine whether the learned Trial Court was justified in declining to exercise jurisdiction under Order VII Rule 11 CPC.

14.1 The court records that, where the plaintiff's own pleadings, the chronology of admitted transactions and the relevant documents forming part of the record disclose material inconsistencies bearing upon the asserted cause of action, the claimed date of knowledge or the apparent bar of limitation, such circumstances cannot be brushed aside by mechanically characterising the controversy as one requiring trial. The Court

must distinguish between a genuinely disputed question of fact, which can be determined only upon the appreciation of evidence, and a legal infirmity demonstrable from the plaint itself and the material legally permissible to be considered at the threshold. In particular, where limitation is invoked under Order VII Rule 11(d) CPC, the plaint must be examined to ascertain whether the bar is apparent from its own averments, read in their entirety; if determination of the issue necessarily depends upon adjudication of disputed facts concerning the accrual of the cause of action or the plaintiff's knowledge, the question may require trial. Thus, neither an alleged admission in separate proceedings nor a bare assertion of subsequent knowledge can, in isolation, conclude the inquiry under Rule 11 of Order 7 of the CPC. The decisive consideration remains whether, upon a meaningful and holistic reading of the plaint and the material legally admissible at this stage, the statutory conditions for rejection of the plaint are demonstrably satisfied.

2. Effect of the judgment dated 25.01.2021 passed by the coordinate Bench of this Court

15. Before proceeding further, it is necessary to delineate the scope and effect of the judgment dated 25.01.2021 passed by the coordinate Bench of this Court in S.B. Civil First Appeal No. 286/2014, Sua Devi v. Sharvanram & Ors. The earlier proceedings arose from the rejection of the plaint by the learned District Judge on 20.10.2014, primarily on the ground that the suit was barred under Section 207 of the Rajasthan Tenancy Act, 1955. The

coordinate Bench considered the defendant's contention that the subject land had already been converted from agricultural to residential use before institution of the suit and that the civil court's jurisdiction had to be examined with reference to the nature of the property and the reliefs claimed on the date of institution of the suit.

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16. The coordinate Bench held that, the land comprised in the sale deed under challenge had been converted from agricultural to residential purposes in 2006 and the suit had been instituted in 2014, the plaint could not be rejected on the ground that the civil court's jurisdiction was barred under Section 207 of the Rajasthan Tenancy Act, 1955. The judgment dated 20.10.2014 was accordingly set aside and the matter was remanded to the learned Trial Court for consideration in accordance with law.

17. Precisely stated, the co-ordinate Bench of this Court found the rejection of the plaint unsustainable only to the extent that the civil court's jurisdiction was held to be barred under Section 207 of the Rajasthan Tenancy Act, 1955, notwithstanding the fact that the subject land had already been converted from agricultural to residential use prior to the institution of the suit. The legal effect of the said judgment was, therefore, confined to negating the aforesaid jurisdictional objection as the basis for rejection of the plaint. It cannot be construed as an adjudication, either express or implied, upon the other grounds on which rejection of the plaint could be sought under Order VII Rule 11 CPC. Rather, the express reservation of liberty to the defendants to raise all defences and

issues not already decided makes it manifest that all such questions, including limitation, accrual and subsistence of the cause of action, the nature and extent of the plaintiff's alleged share, and the legal sustainability of the reliefs claimed, were left open for consideration by the learned Trial Court in accordance with law. The earlier judgment, therefore, neither foreclosed the petitioners from raising such objections nor dispensed with the obligation of the learned Trial Court to independently examine them in the light of the applicable legal principles and the material permissible to be considered at the stage of Order VII Rule 11 CPC. The only issue conclusively addressed in the earlier proceedings was the alleged bar to the jurisdiction of the civil court under Section 207 of the Rajasthan Tenancy Act, 1955, and the remand cannot be read as conferring immunity upon the plaint from scrutiny on any other legally available ground.

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18. Consequently, the judgment dated 25.01.2021 cannot be construed as foreclosing the petitioners from maintaining an application under Order VII Rule 11 CPC on grounds which remained open for consideration. Indeed, the present application was filed on 08.02.2021, immediately following the remand, and was directed towards grounds which, according to the petitioners, went to the very maintainability of the suit. The petitioner sought rejection on the ground of suit being barred by law and that no cause of action accrued in favour of the plaintiff. The learned Trial Court was, therefore, required to examine the application independently, keeping in view both the binding directions

contained in the remand judgment and the limitations expressly recognised therein.

19. The fact that the coordinate Bench had permitted the suit to proceed beyond the earlier objection founded upon Section 207 of the Rajasthan Tenancy Act does not, by itself, establish that every relief claimed in the plaint was maintainable or that the action was necessarily within limitation. The jurisdictional objection considered in the earlier appeal and the objections now raised concerning limitation and the disclosure of a cause of action are distinct questions. The present revision must accordingly be determined on the basis of those questions without reopening the issue already decided by the coordinate Bench.

3. Chronology of the transaction, subsequent development of the land, the plaintiff’s earlier revenue proceedings and the material bearing upon her knowledge

20. The chronology emerging from the plaintiff's own pleadings and the material referred to in the application under Order VII Rule 11 CPC is of considerable significance. The sale deed in favour of the petitioners was executed on 20.04.1995, followed by its registration on 27.06.1995 and the registration of a corrigendum deed on 29.06.1995. The plaintiff does not dispute that the transaction took place; her challenge is that the transfer exceeded the rights of the persons who executed it and was ineffective to the extent of her alleged share. The plaintiff's own case proceeds on the assertion that she is the daughter of deceased Pratapram @ Pattaram and claims through his alleged

share in the ancestral property. The death of her father, the devolution of his interest and the subsequent mutation proceedings are, therefore, foundational to the very right asserted by her.

21. The original Mutation No. 112 dated 17.05.1971, which recorded Gorkharam and Pratapram, was challenged by Moolaram before the District Collector, Jodhpur. By order dated 22.05.1995, the earlier mutation was set aside and the matter was remanded for fresh determination. Pursuant thereto, Mutation No. 112 was sanctioned afresh on 04.06.1995, recording one-third shares in favour of Moolaram and Gorkharam respectively, while the remaining one-third share was recorded jointly in favour of Mangilal, son of Pratapram, and Smt. Manudi, widow of Pratapram. Meanwhile, the sale deed in question had already been executed on 20.04.1995 and was thereafter registered on 27.06.1995, followed by the registration of the corrigendum on 29.06.1995, incorporating the name of Smt. Manudi. The plaintiff now questions the transaction on the ground that her alleged entitlement through her father was not recognised. In these circumstances, the intervening period between the transaction in 1995 and the plaintiff's first stated challenge to the revenue entries on 09.04.2012, spanning nearly seventeen years, assumes considerable significance and cannot be brushed aside merely by pleading subsequent knowledge of the sale deed.

22. The subsequent events are equally material. Moolaram instituted partition suit No. 13/2002, which culminated in a

judgment and decree dated 05.09.2002. In consequence thereof, Mutation No. 1927 was sanctioned on 03.12.2002, whereby 7 Bigha 8 Biswa 7 Biswansi was recorded in favour of Moolaram, while the remaining 14 Bigha 16 Biswa 13 Biswansi was recorded in the respective branches of Gorkharam and Pratapram, with one-half share each. Thus, the remaining land stood recorded as comprising one-half share attributable to the branch of Gorkharam and the other one-half share attributable to the branch of Pratapram, represented by Mangilal and Smt. Manudi. On this basis, the plaintiff subsequently claimed a one-sixth share in the remaining land, quantified at 2 Bigha 9 Biswa 9 Biswansi. The defendants, however, disputed the very basis of this computation and contended that the plaintiff's inconsistent pleadings concerning the family lineage, the status of Moolaram and the respective shares of the branches rendered her claim untenable. They further asserted that, even according to the plaintiff's earlier version before the revenue authorities, the land remaining after the impugned sale was sufficient to accommodate the share claimed by her and that the alienation in favour of the petitioners did not give rise to an enforceable cause of action in her favour.

23. The plaintiff initially claimed to have acquired knowledge of the revenue entries on 02.04.2012, upon obtaining a copy of the Jamabandi for the purpose of securing a loan, and accordingly preferred Revenue Appeal No. 18/2012 on 09.04.2012 before the competent revenue authority, alleging her omission from the mutation proceedings. She subsequently asserted that, upon

obtaining further documents and learning of the petitioners' application for impleadment in the revenue proceedings, she discovered in January 2014 that the aforesaid sale deed and corrigendum deed had been executed. The registered conveyance, the mutation proceedings of 1995, the subsequent partition and revenue entries of 2002, and the proceedings for residential conversion undertaken in 2006 thus constitute a connected sequence of events relevant to examining the plausibility of her explanation for the delay. The plaintiff's case must be assessed against this chronology rather than by treating January 2014 as an isolated starting point.

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24. Of particular relevance is the plaintiff's own application dated 23.05.2017 under Order XLI Rule 22 CPC, filed in the revenue appellate proceedings. Therein, she described Rawatram as having two sons, namely Gorkharam and Pratapram @ Pattaram, referred to Moolaram as a lawaris, and also referred to the mutation dated 04.06.1995 and earlier transactions concerning the same Khasra No. 215. The defendants, in their application under Order VII Rule 11 CPC, relied upon these assertions as being materially inconsistent with the genealogy and devolution of shares pleaded in the present suit. They further relied upon her assertion that she was entitled to one-half of her father's one-third share in the suit land and that she was in peaceful possession and cultivation of one-half of the land claimed by her. The said application is relevant, at this stage, not for conclusively determining the disputed questions concerning

genealogy, title or the respective shares of the parties, but for examining the plaintiff's familiarity with the revenue record, the competing claims of the branches of the family and the transactions affecting the suit property. These assertions also require consideration alongside the case subsequently set up in the civil suit, particularly in view of the defendants' contention that the plaintiff has advanced inconsistent claims concerning the source and extent of her alleged entitlement.

25. The plaintiff instituted the present suit on 12.08.2014, nearly nineteen years after the execution of the sale deed and the subsequent corrigendum deed and several years after the partition decree of 2002. She claimed a one-sixth share in the remaining land measuring 14 Bigha 16 Biswa 13 Biswansi, quantified at 2 Bigha 9 Biswa 9 Biswansi, while also asserting rights in the residential land developed by the petitioners. The defendants specifically highlighted an alleged inconsistency in the extent of the share claimed: whereas the plaint asserted a one-sixth share in the remaining land, the relief clause concerning the residential land purchased and developed by the petitioners described her share therein as one-third. According to the defendants, these inconsistent assertions, when read alongside the plaintiff's stand before the revenue authorities, materially affect the existence of a cause of action and the maintainability of the suit. The defendants also contended that the land remaining after the sale was sufficient to accommodate the share claimed by the plaintiff and

that the impugned transaction did not prejudice any subsisting right of hers.

26. The subsequent events concerning the use and development of the property are also germane to the controversy. The land purchased by the petitioners was subjected to proceedings for conversion from agricultural to residential use. By order dated 16.06.2006, the requisite proceedings for surrender of the land were undertaken in favour of the Urban Improvement Trust, Jodhpur. Residential pattas were thereafter issued in favour of the petitioners on 18.02.2007 and registered on 15.03.2007. Building permission was obtained on 25.03.2011, and the land was developed into a residential colony, with residential units being constructed and sold to third-party purchasers. The application under Order VII Rule 11 CPC specifically asserted that the development had progressed beyond a mere change in papers and in the character of the land rather had culminated in the establishment of a fully developed residential colony, comprising roads, boundary walls, sewerage and water pipelines, electricity lines, transformers, gardens and other internal infrastructure, with residential units having been transferred to numerous third-party purchasers and more than 140 families having come to reside therein with vehicular traffic moving through the colony throughout the day. It was further asserted that several purchasers had obtained bank loans against their respective residential units.

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27. A significant feature of the controversy emerges from paragraph 10 of the defendants' application under Order VII Rule 11 CPC, wherein attention was invited to the plaintiff's assertion in paragraph 12 of the plaint that she continued to remain in possession of the land as a co-sharer. Reliance was also placed upon her assertion, made in the revenue appellate proceedings, that she was in peaceful possession and cultivation of one-half of the land claimed by her. The petitioners contended that such an assertion of continuing agricultural possession and cultivation was difficult to reconcile with the admitted conversion of the land into residential use, the issuance of pattas, the construction of residential units and the establishment of an occupied colony with civic amenities and numerous resident families. The juxtaposition of these assertions raises a substantial question as to the precise nature and extent of the possession claimed by the plaintiff, particularly when the relief sought in the suit includes partition by metes and bounds and delivery of separate possession of the alleged share.

28. The plaintiff, on the other hand, acknowledged the subsequent residential development while maintaining her claim to a share in the property. The aforesaid circumstances are not being noticed as conclusively negating her alleged proprietary entitlement merely because the land has undergone conversion or because third-party interests have been created. Rather, they bear upon the consistency of her pleadings, the factual foundation of her assertion of possession and the nature of the reliefs

claimed. Whether the plaintiff's assertion pertains to constructive or joint possession as a co-sharer, notwithstanding the subsequent residential development, or whether it is irreconcilable with the admitted state of the property, must be examined in the context of the pleadings and the material legally permissible to be considered at the stage of an application under Order VII Rule 11 CPC.

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29. Against this background, the suit was instituted after a substantial lapse of time from the first mutation of land and the subsequent transaction and after the property had undergone conversion and residential development. A registered conveyance, followed by public revenue proceedings, a partition decree, conversion for residential use, issuance of pattas and the development of the land into a residential colony, cannot be treated as events wholly disconnected from the question of knowledge and the accrual of the right to sue. The petitioners claim to have purchased the land on the basis of the transaction and the available records and to have thereafter undertaken substantial development, resulting in the creation of third-party interests. The question which arises is not whether the passage of time, by itself, extinguishes every claim to property, nor whether the creation of third-party interests can independently defeat a legally established proprietary right. Rather, the inquiry is whether the plaintiff's assertion of a much later date of knowledge can be accepted without scrutiny when the chronology of the transaction and the subsequent proceedings, coupled with her own earlier

conduct, disclose circumstances materially bearing upon that assertion. Equally, the existence of an asserted proprietary right cannot automatically entitle a plaintiff to reopen a long-completed transaction without satisfying the applicable requirements of limitation and demonstrating a sustainable cause of action.

30. At this stage, the Court is not called upon to conclusively determine the precise date on which the plaintiff acquired actual knowledge of the sale deed or to adjudicate every inconsistency in her earlier and subsequent pleadings. Nevertheless, the interval of nearly seventeen years between the transaction of 1995 and the revenue appeal of 2012, followed by the institution of the civil suit in 2014, is a material circumstance warranting judicial scrutiny. The plaintiff's explanation of delayed knowledge cannot be accepted or rejected merely on assertion; its legal sufficiency must be assessed in the light of the plaint as a whole, the nature of the reliefs claimed, the chronology of the transaction and the subsequent proceedings, and the material lawfully available for consideration under Order VII Rule 11 CPC. The decisive question is whether these circumstances, considered within the permissible limits of the provision, disclose a clear bar of limitation or otherwise justify rejection of the plaint at the threshold, or whether determination of the relevant facts, particularly those bearing upon the plaintiff's actual or constructive knowledge, must await trial. The consequences of the transaction and the subsequent creation of third-party interests must, therefore, be considered without prejudging any legally enforceable proprietary

right, while ensuring that a claim which is demonstrably barred by law is not permitted to proceed merely on the strength of a formal assertion of a later date of knowledge.

4. Limitation: the distinction between a mixed question of law and fact and the significance of the plaintiff's knowledge, the accrual of her claim and the intervening events

31. The learned Trial Court declined to reject the plaint on the ground of limitation, principally observing that the plaintiff was a rural woman whose name had not been entered in the revenue record following the death of her father and that the date on which she acquired knowledge of the registered sale deed could not be conclusively determined without evidence. It further considered that her assertion of having discovered the transaction in January 2014 could not be discarded at the threshold. While the date of knowledge may, in an appropriate case, require factual adjudication, the mere assertion of a later date of discovery cannot be treated as conclusive of the limitation issue. The learned Trial Court was required to distinguish between the factual question as to when the plaintiff acquired, or could legally be attributed, knowledge of the relevant facts and the legal question as to whether, upon application of the governing provision of the Limitation Act, 1963, the suit instituted on 12.08.2014 was within time. Such an examination assumed particular significance in view of the plaintiff's own case concerning her father's interest in the

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property, the registered transaction of 1995 and the subsequent revenue proceedings in which she participated.

32. It is necessary to clarify that limitation cannot invariably be characterised as either a pure question of law or a mixed question of law and fact without reference to the controversy involved and the statutory provision governing it. The legal consequence of limitation is determined by applying the prescribed period and the applicable rule of commencement to the relevant facts. Where the material dates and the facts attracting the prescribed period stand admitted or emerge from the plaint itself, the question of limitation shall be determined as a matter of law. Conversely, where the commencement of limitation depends upon the determination when the plaintiff acquired knowledge of facts material to the relief claimed, and that issue turns upon genuinely disputed foundational facts, the inquiry may assume the character of a mixed question of law and fact. However, the presence of a factual element does not, by itself, render the question incapable of determination under Order VII Rule 11(d) of the Code of Civil Procedure, 1908. The nature of the controversy must be examined in its entirety, without permitting the description of limitation as a mixed question of law and fact to become a substitute for the judicial scrutiny that the circumstances of the case warrant.

33. In the present case, the plaintiff predicates her claim upon her asserted entitlement through her deceased father, Pratapram @ Pattaram. Her father’s death and the alleged devolution of his interest are, therefore, foundational to the proprietary right

asserted by her. Significantly, in paragraph 5 of the plaint, the plaintiff alleges that the legal heirs were neither properly and adequately investigated nor afforded an opportunity of hearing in the mutation proceedings. This very assertion indicates that her grievance originates in the alleged omission to recognise her rights upon the death of her father and in the subsequent proceedings concerning the devolution and transfer of the property. The plaintiff cannot, therefore, treat the execution of the sale deed as though it were the only event having any bearing upon the origin of her grievance. The alleged omission in the recognition of her inherited rights, the subsequent alienation of the property by the persons in whose favour the relevant entries were made, and the ensuing revenue and conversion proceedings constitute distinct but interconnected events requiring consideration. Although the precise commencement of limitation must be determined with reference to the nature of each relief and the applicable statutory provision, the plaintiff's own pleaded case renders it difficult to accept that the entire controversy originated only when she claims to have discovered the sale deed in January 2014.

33.1 The cause of action pleaded in the plaint appears to be illusory and misdirected, inasmuch as the event relied upon by the plaintiff as giving rise to her cause of action and furnishing the basis for computing limitation does not, in itself, constitute the true genesis of her grievance. The plaintiff seeks to suggest that it was upon acquiring knowledge of the sale deed executed by

Mangilal and Smt. Manudi in favour of the petitioners that she instituted the suit, thereby treating the discovery of the transaction as both the cause of action and the starting point for limitation. However, neither proposition can be accepted merely on the basis of such an assertion. If Mangilal and Smt. Manudi transferred the property in favour of the petitioners, and no legal impediment precluded such transfer to the extent of their respective rights, the mere execution of the sale deed by the vendors and purchase of the property by the petitioners would not, by themselves, give rise to a right to sue in favour of the plaintiff, as discussed hereinabove. A cause of action must be genuine, logical and legally sustainable, and the plaint must be read as a whole to ascertain the true nature of the grievance and the facts from which the asserted right to sue is alleged to have arisen. Upon such a reading, the fundamental grievance of the plaintiff appears to be that, upon the death of her father, Pratapram @ Pattaram, she allegedly acquired a right by inheritance in his share of the land along with her brother and mother, but her name was not mutated in the revenue records in recognition of such alleged succession. The real cause of action, therefore, prima facie emanates from the alleged omission to record the plaintiff's inherited rights following the death of her father, rather than from the subsequent sale deed executed by Mangilal and Smt. Manudi in favour of the petitioners or the subsequent conversion of the land for residential purposes. Significantly, the plaintiff has not disclosed the date of her father's

death, notwithstanding that the alleged devolution of his interest constitutes the very foundation of her claim. The chronology pleaded in the plaint indicates that his death had occurred before 20.04.1995, inasmuch as his son and widow thereafter dealt with and transferred a part of the land. It is, therefore, a matter of concern that the foundational date has not been specifically disclosed, particularly when it may have a direct bearing upon the accrual of the alleged right and the commencement of limitation. It cannot be ruled out that the omission is material to the determination of when the plaintiff's grievance first arose; nevertheless, the precise significance of that omission must be assessed in accordance with the applicable law and the material permissible to be considered at this stage. The plaintiff's alleged grievance concerning the non-recognition of her inherited rights cannot be displaced, for the purpose of examining limitation, merely by projecting the subsequent sale transaction as the event giving rise to the cause of action. If the plaintiff's asserted right to have her name recorded in respect of the property devolved upon her arose upon her father's death, the question necessarily arises whether the cause of action and the applicable period of limitation commenced at that stage, rather than upon the execution or subsequent discovery of the impugned sale deed or the passing of the conversion order. Nearly two decades have elapsed since the transaction of 1995, and the omission to disclose the date of the foundational event assumes significance in examining the plaintiff's explanation for instituting the suit at such a belated

stage. The sale deed, by itself, cannot automatically be treated as the origin of the plaintiff's cause of action when the underlying grievance pleaded by her is that her alleged succession rights were not recognised in the revenue records following her father's death. The true nature of the cause of action, the reliefs founded upon it and the applicable commencement of limitation must, therefore, be examined with reference to the substance of the plaint rather than the subsequent transaction upon which the plaintiff seeks to anchor her claim of knowledge and limitation.

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33.2 The non-disclosure of the date of her father's death assumes particular significance, as the event of his death constitutes the foundational fact from which the plaintiff claims to have derived her alleged right by inheritance, followed by her asserted entitlement to seek partition of the property along with her brother. The date of such death is, therefore, intrinsically connected with the determination of when the alleged right accrued and when the cause of action, if any, arose in favour of the plaintiff. The omission to disclose this material fact, which bears directly upon the commencement of limitation, cannot be treated as inconsequential. The failure to plead this foundational fact, despite its direct relevance to the accrual of the asserted right and the commencement of limitation, materially impairs the plaintiff's explanation of the belated institution of the suit and warrants close scrutiny while examining whether the plaint discloses a legally sustainable cause of action within the period prescribed by law.

34. For a proper appreciation of the controversy, a distinction must be maintained between the factum probandum, namely, the fact sought to be established, and the facta probantia, namely, the facts and circumstances relied upon to establish it. The plaintiff's actual or legally attributable knowledge of the impugned transaction is a matter to be assessed in the context of the applicable limitation provision. Her assertion that she discovered the sale deed in January 2014 constitutes the pleaded fact requiring examination; the earlier mutation proceedings, her institution of Revenue Appeal No. 18/2012 on 09.04.2012, her subsequent participation in litigation concerning the same land, and the intervening conversion and development proceedings constitute circumstances bearing upon that assertion. These circumstances may support or weaken the inference sought to be drawn regarding the time of knowledge, but their evidentiary significance must be assessed in their proper legal setting. Registration of a document or publication of a statutory notice does not invariably establish actual knowledge on the part of every person claiming an interest in the property. Equally, a pleaded date of discovery cannot be accepted as determinative without examining the material circumstances bearing upon its plausibility and legal sufficiency.

35. The chronology of the events, when examined cumulatively, materially undermines the plaintiff's explanation of delayed knowledge. However, the date of her father's demise, which may be relevant to determining when her alleged right to succeed to

his estate accrued, has not been specifically addressed in the plaint. The circumstances, therefore, raise a material question as to why the plaintiff did not make inquiries regarding the omission of her name from the revenue records following her father's demise and why, she waited until 12.08.2014 to institute the present suit challenging the sale transaction. She nevertheless maintains that she came to know of the sale transaction only in January 2014. In the intervening period, the partition proceedings culminated in a decree dated 05.09.2002, followed by Mutation No. 1927 dated 03.12.2002; the land was thereafter subjected to conversion proceedings in 2006, residential pattas were issued in 2007, and building permission was obtained in 2011. The plaintiff's own application dated 23.05.2017 under Order XLI Rule 22 CPC, containing assertions concerning the genealogy, devolution of rights and revenue record, further assumes relevance to the extent that it reflects her familiarity with the history of the property and the competing claims of the family branches. Although no single event necessarily establishes actual knowledge of the sale deed in 1995, the cumulative sequence of these events calls for a much more searching examination than the learned Trial Court undertook.

36. The interval between death of her father, the transaction of 1995 and the plaintiff's stated discovery of the revenue entries in April 2012 is not a period of a few months or even a few years; it extends to approximately seventeen years and more. Such an extraordinary interval cannot be treated as an inconsequential

circumstance, particularly when the plaintiff claims through her deceased father and challenges transactions and revenue proceedings concerning the very property in which she asserts an inherited interest. The Court is conscious that delay, by itself, does not in all cases extinguish a legally enforceable proprietary right, nor can a person's social or economic circumstances be disregarded while examining an explanation for delayed knowledge. A liberal approach may legitimately be warranted where the surrounding circumstances disclose a bona fide explanation for the delay. However, such liberality cannot be extended mechanically or solely on the basis of the plaintiff's social background, without testing the explanation against the chronology and the plaintiff's own pleadings and conduct. The distinction is between extending appropriate consideration to a genuine explanation and accepting an inherently questionable assertion without adequate scrutiny.

37. The plaintiff's explanation assumes further significance in view of the proceedings undertaken for conversion of the land from agricultural to residential use. The petitioners rely upon the public nature of those proceedings and contend that the conversion, issuance of pattas, subsequent construction and development of a residential colony, and creation of third-party interests constitute circumstances indicating that the transaction could not reasonably have remained unknown to the plaintiff for such an extended period. Where the applicable statutory procedure requires publication of notice and invitation of objections, compliance with

that procedure and the absence of objections may constitute relevant circumstances in assessing the surrounding chronology. Such proceedings are intended to afford persons claiming an interest in the property an opportunity to raise objections before the proposed conversion is acted upon. Their evidentiary significance, however, must not be overstated: publication does not create an irrebuttable presumption that every interested person acquired actual knowledge, nor does the absence of an objection, by itself, extinguish an otherwise subsisting proprietary right. Section 114 of the Indian Evidence Act, 1872 (corresponding to Section 119 of the Bharatiya Sakshya Adhiniyam, 2023) insofar as applicable, permits the Court to draw appropriate presumptions having regard to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case. It does not authorise the Court to presume, without more, that every person potentially interested in a property had actual knowledge of every transaction or proceeding concerning it. Nevertheless, these events, considered alongside the plaintiff's earlier revenue proceedings and the lengthy interval since the sale, materially bear upon the credibility and legal sufficiency of her explanation.

The explanation that the plaintiff was unaware of the registered documents may, to some extent, be considered in the context of her assertion that she had not been afforded an opportunity to participate in the relevant revenue proceedings. However, such an explanation cannot be examined in isolation from the visible and

progressive changes that took place on the very land in which she claims an inherited interest, which, over the passage of time, underwent a substantial transformation from agricultural land into a developed and inhabited residential colony. Even if the plaintiff's plea of lack of knowledge of the specific sale deed or the underlying documents is taken into consideration, a distinct question arises as to how the extensive and sustained activities undertaken on the land over the years, including its conversion for residential purposes, the construction of residential units, the development of roads and civic infrastructure, and the establishment of an occupied residential colony, with the regular movement of numerous vehicles in and around the developed area, could have remained wholly beyond her knowledge. The distinction between ignorance of the contents of a particular document or any transaction and unawareness of the conspicuous and continuous physical development of the property is material. While the former may, depending upon the circumstances, furnish an explanation, the latter cannot be accepted or rejected without due regard to the nature, scale and duration of the activities undertaken on the land. It is not necessary for an individual to belong to a literate or economically affluent family to notice conspicuous physical developments upon the land over which he or she asserts a right, such as the construction of houses and roads, movement of vehicles, and the regular ingress and egress of people. These are visible developments, incapable of escaping ordinary human observation. This Court finds it difficult to fathom

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how a person can remain so oblivious to the developments taking place on a land he or she asserts his or her right, to the extent that the very nature of the land stands transformed into a building right before his or her eyes, yet he or she remained ignorant of such a conspicuous change. Such a plea of ignorance, the face of an apparent and visible transformation of the property, is difficult to reconcile with the ordinary course of human conduct and prudence.

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37.1 The very object underlying the statutory requirement of publication in proceedings for conversion of land from agricultural to residential use is to provide a fair and effective opportunity to the public at large, and particularly to persons who claim or assert an interest in the property, to come forward and raise objections before the proposed conversion is given effect. Such publication, whether undertaken through display at the site of the property, at the concerned public office, or through publication in newspapers, in accordance with the applicable rules, is not an empty formality; it serves a substantive legal purpose. The procedure is designed to ensure that any person who claims a right, title or interest in the land, whether a family member, co-sharer, neighbour or any other person having a legitimate interest, may bring such claim to the notice of the competent authority and seek appropriate consideration of the objection. If the statutory process of publication and invitation of objections were to be rendered devoid of any significance while examining the surrounding circumstances, the very purpose for which such a procedure has

been prescribed would stand substantially undermined. Where the prescribed notice has been duly published and no objection has been received despite the opportunity afforded, such absence of objection may constitute a relevant circumstance for the Court to consider, along with the other facts on record, while assessing the plausibility of a subsequent assertion of complete ignorance of the developments concerning the property. It may, in the facts and circumstances of an individual case, support an inference that no objection was brought forward by persons claiming an interest in the property despite the opportunity to do so. It is, therefore, reasonable to presume that the plaintiff was aware of the sale of a portion of the property in favour of the petitioners, yet took no steps to challenge the transaction or assert her alleged rights at the relevant time.

38. The Court is, therefore, unable to regard the plaintiff's assertion that she learnt of the sale transaction only in January 2014 as an explanation that could be accepted merely because it has been pleaded. The plaintiff's case is that her rights originated through succession upon the death of her father; she alleges that the legal heirs were not properly investigated or heard in the mutation proceedings; the property was thereafter transferred in 1995; partition and consequential revenue proceedings followed in 2002; and the land underwent conversion, issuance of residential pattas and development in the succeeding years. She first challenged the revenue entries in April 2012, yet instituted the present suit on 12.08.2014, seeking, inter alia, to challenge the

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earlier sale transaction. No explanation is apparent as to why the plaintiff did not challenge the mutation entries at the relevant time, despite the property having been recorded in the names of her mother and brother alone, to the exclusion of her own name, and why she remained inactive for a considerable period before initiating proceedings to assert her alleged rights in the property. The sequence presents successive occasions and circumstances bearing upon her knowledge of the property, the devolution of rights and the transactions affecting it. In particular, her participation in the revenue proceedings from 2012 onwards makes it necessary to examine why the sale deed, which she claims to have discovered only in January 2014, could not have come to her knowledge earlier in the course of those proceedings and the physical changes occurred on the suit site.

The plaintiff's alleged inherited right and the subsequent alienation are distinct matters, but the latter cannot be viewed in isolation from the former. If, as the plaintiff asserts, the omission to recognise her interest upon her father's death was the foundational grievance, the subsequent events cannot be disregarded while determining when the cause of action arose, when the relevant right to seek particular relief accrued, and when limitation commenced under the applicable provision. Nor can the plaintiff's assertion of a later discovery, by itself, efface the legal significance of the intervening events. The principle that *ignorantia juris non excusat* does not, by itself, establish that the plaintiff had actual knowledge of the sale deed; equally, however,

a plea of ignorance cannot automatically neutralise the consequences of facts and circumstances that may legally be attributed to her knowledge. The question must be approached with reference to the particular relief claimed, the applicable limitation provision and the facts established or properly available for consideration. In the given circumstances, this can be observed that her assertion on pleaded cause of action and point of limitation is nothing but a lie.

Accordingly, the learned Trial Court's approach of treating the question of knowledge as necessarily requiring evidence, without adequately examining the cumulative effect of the chronology and the plaintiff's own assertions, does not constitute a satisfactory determination of the limitation objection. The distinction is not between treating limitation as invariably a question of law and invariably a mixed question of law and fact; it is between a genuine factual controversy requiring adjudication and an explanation of delayed knowledge that must be tested against the plaintiff's own pleaded case and the legally relevant circumstances. The passage of seventeen years between the registered transaction and the plaintiff's first stated challenge to the revenue entries is a substantial circumstance, not a trivial interval that may be brushed aside.

5. Absence of a Sustainable Cause of Action Against the Petitioners and the Effect of the Plaintiff's Asserted Share

39. The plaintiff's claim against the petitioners is founded upon the assertion that, as the daughter of deceased Pratapram @

Pattaram, she was entitled to a share in the property which had devolved upon her father and that the sale deed executed in favour of the petitioners was ineffective to the extent of that share. The application under Order VII Rule 11 CPC, however, raised the specific objection that the plaintiff had not demonstrated a legally sustainable right to challenge the petitioners' acquisition in the manner pleaded, particularly in view of the proceeding of mutation, the nature of the transaction, the subsequent development of the property and the plaintiff's own case concerning the remaining land. In this context, it is necessary to emphasise that a cause of action is not constituted by the mere assertion of a grievance, the recital of a claimed right, or the expression of a subjective sense of injustice. It comprises the bundle of material facts which, if taken to be true, establish a legally recognised right in the plaintiff, its infringement or threatened infringement by the defendant, and the consequent entitlement to seek the relief claimed. The plaint must, therefore, disclose not merely a grievance in factual terms, but a genuine and legally cognisable controversy capable of judicial determination against the particular defendants. The existence of a cause of action must be discerned from the material facts pleaded and the legal consequences flowing therefrom, rather than from the nomenclature assigned to the suit or the form in which the reliefs have been couched.

40. The question of the plaintiff's entitlement must be distinguished from the question whether the particular transaction

challenged by her gives rise to an enforceable cause of action against the present petitioners. A claim to succeed to the estate of a deceased parent does not, without further examination, establish that every transfer effected by another family member is liable to be set aside at the instance of the claimant, particularly when she remained silent after her father's demise and did not assert her alleged share despite the omission of her name from the relevant mutation entries. A genuine cause of action must disclose a legally sustainable nexus between the right asserted, the conduct complained of and the relief sought against the defendant concerned. The mere assertion that the plaintiff is a successor to the estate of a deceased person cannot, in itself, dispense with the necessity of pleading material facts demonstrating why no action was taken by her for a considerable period after her father's death and how the impugned transaction infringes the plaintiff's legally enforceable interest.

41. It is also material that the plaintiff's claim is not confined to recognition of a share in the land remaining with the other family members. She seeks to have the sale deed declared ineffective to the extent of her alleged share and to obtain consequential relief in respect of the residential land, including partition, separate possession and issuance of a patta. The petitioners, who acquired the property under the registered conveyance and subsequently undertook the conversion and development proceedings, are directly affected by these reliefs. The plaint must, therefore, disclose a legally sustainable basis for unsettling their transaction,

rather than merely asserting an undetermined share in the larger ancestral estate. The Court must consequently ascertain whether the facts pleaded establish an actionable infringement attributable to the petitioners or whether the relief against them rests merely upon a general assertion of succession without the requisite factual and legal foundation. The requirement of a genuine cause of action serves the essential purpose of ensuring that judicial proceedings are invoked for the adjudication of an actual legal controversy and not merely to subject another party to the burden, expense and uncertainty of litigation.

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42. The petitioners further contended that the sale deed related to only 7 Bigha 7 Biswa and that substantial land remained outside the transaction. The plaintiff's own claim concerns the larger landholding and the alleged share which devolved upon her father. In such circumstances, the existence of a claim to a share in the remaining property must be distinguished from the existence of a cause of action to challenge the particular sale effected in favour of the petitioners. The Court must examine whether the pleaded facts disclose an infringement of the plaintiff's rights attributable to the petitioners' transaction and whether the relief sought is legally connected to that alleged infringement. Where the plaintiff’s own case indicates that property remains outside the impugned conveyance, the Court must carefully distinguish between the alleged entitlement in the larger estate and the necessity, legal basis and scope of the relief claimed against the purchasers. The existence of a possible claim

against other successors or in respect of the remaining property cannot automatically establish a cause of action to invalidate a distinct transaction with the petitioners. The inquiry must remain directed towards the specific infringement pleaded and the relief which the plaintiff seeks to derive from it.

43. A purchaser who acquires property under a registered instrument is entitled to rely upon the conveyance and the relevant records available at the time of the transaction, subject, of course, to the rights which the law preserves in favour of persons having a subsisting and enforceable interest. Where purchasers have thereafter invested their resources in obtaining conversion, securing pattas, undertaking construction and transferring residential units, a challenge to their title must be founded upon a legally sustainable cause of action and brought within the period prescribed by law. The existence of a family dispute or an asserted succession claim cannot, by itself, justify keeping a completed transaction indefinitely open to challenge. The judicial process is intended to resolve genuine controversies by applying the law to legally cognisable claims; it is not intended to become an instrument for vexing, harassing or exerting unwarranted pressure upon parties through proceedings that lack a sustainable legal foundation. The petitioners have alleged that the suit was instituted to harass them and to extract an unlawful monetary advantage only after the property had been developed and residential units had been transferred to third parties. Such allegations cannot be treated as established merely because they

have been pleaded in the application under Order VII Rule 11 CPC. Nevertheless, the Court is not precluded from examining whether the plaint, upon a meaningful reading, discloses a genuine cause of action or merely gives the appearance of one without the material facts necessary to sustain the relief claimed. Frivolous or vexatious proceedings, where their untenability is apparent within the parameters of the provision, ought not to be permitted to consume judicial time that is required for the adjudication of genuine disputes.

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44. The present case is not being examined on the premise that the plaintiff can never claim a share in any property left by her father. The issue is narrower: whether the plaint, read meaningfully and in the context of the circumstances relied upon in the application, discloses a sustainable cause of action to challenge the petitioners' registered acquisition after the lapse of nearly nineteen years. The distinction is essential, for a claim against the estate or the other successors does not automatically establish a timely and enforceable claim against purchasers in respect of a transaction completed in 1995. The Court must neither permit a merely illusory cause of action to survive by reason of formal or general averments, nor shut out a genuine claim by prematurely deciding disputed questions of fact. The statutory scrutiny under Order VII Rule 11 CPC requires the Court to determine whether the material facts pleaded, assumed to be true for that limited purpose, disclose a legally enforceable claim and whether the suit is otherwise liable to rejection on a ground

enumerated in the provision. The endeavour must be to preserve access to justice for bona fide litigants while discouraging proceedings that, on the plaintiff’s own pleadings and the material lawfully available at the threshold, disclose no sustainable legal controversy. The ultimate test is not whether the plaintiff’s grievance is strongly expressed, nor whether the defendants regard the litigation as burdensome, but whether the plaint establishes the essential factual and legal foundation for the relief sought against the petitioners.

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6. Bona fide acquisition by the petitioners, legitimate reliance upon public records, and the inequity of unsettling long-completed property transactions after an inordinate lapse of time

45. The petitioners' application also emphasised that the land was subjected to proceedings for conversion from agricultural to residential use, that the conversion and subsequent grant of pattas were undertaken through the competent authorities, and that the property was thereafter developed as a residential colony. The petitioners asserted that public notice had been issued in connection with the conversion proceedings and that the plaintiff did not raise an objection at that stage. These circumstances were relied upon not as an independent adjudication of the plaintiff's title, but as material bearing upon her claim of having remained unaware of the transaction and the subsequent developments until January 2014. Equally significant is the position of the petitioners as purchasers who, having acquired the land through

registered instruments and acted upon the available revenue records and the state of possession, proceeded to obtain the requisite statutory permissions and invest their hard-earned money in the development of the property. In the absence of any finding of fraud, collusion or notice of an adverse claim attributable to them, their acquisition cannot be viewed merely as an isolated transaction divorced from the legitimate expectations arising from a registered conveyance and the subsequent official proceedings. The legal scrutiny must, therefore, account not only for the plaintiff's asserted proprietary interest, but also for the petitioners' position as purchasers who claim to have acted upon the records and circumstances reasonably available to them at the time of acquisition.

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46. The relevance of such circumstances lies in the cumulative assessment of knowledge. Public notice, standing alone, need not invariably establish actual knowledge in every case. However, where the plaintiff had already initiated proceedings concerning the mutation of the same land, had participated in revenue litigation, and the land had subsequently undergone public conversion proceedings and residential development, the Court must consider whether the asserted date of discovery is consistent with the overall factual narrative. The learned Trial Court could not properly treat the plaintiff's statement of delayed knowledge as conclusive without addressing these circumstances together. At the same time, the position of a purchaser acting bona fide upon the available title and revenue records deserves due legal

consideration. A purchaser cannot reasonably be expected, in every transaction, to anticipate an undisclosed or subsequently asserted claim which is not apparent from the records examined or the circumstances prevailing at the time of purchase. Where a registered conveyance is followed by actual physical possession, official conversion proceedings, the grant of residential pattas and the development of the property in accordance with the permissions obtained, the purchaser's reliance upon such transactions and official acts becomes a material circumstance in assessing the equities and legal consequences of a belated challenge.

47. The petitioners also asserted that a substantial number of residential units had been sold to third-party purchasers and that more than 140 families were residing in the developed colony. The development and transfer of the property do not, in themselves, extinguish a valid proprietary right; nevertheless, they demonstrate the practical consequences of permitting a stale challenge to proceed without first examining whether the plaint discloses a legally sustainable and timely cause of action. The fact of development of property necessarily involve the deployment of substantial financial resources, the assumption of commercial risks and the creation of legitimate expectations concerning the stability of the acquisition. To require purchasers who have acted upon registered instruments and the relevant official records to defend their acquisition against a challenge instituted nearly nineteen years after the original transaction, without first subjecting the

pleaded explanation for the delay to the scrutiny mandated by law, would expose long-completed transactions to prolonged uncertainty and impose a serious burden upon those who have invested their hard-earned money in reliance upon them. The prejudice is not confined to the original purchasers; it extends to subsequent transferees and families who have acquired residential units and established their homes on the strength of the transactions undertaken. At this stage, when the number of defendants before the Court is limited, the Court is equally required to adopt a justice-oriented approach before permitting the plaintiff to pursue the litigation further. The consequences of such indulgence cannot be examined in isolation, for the dispute may have a cascading effect upon hundreds of persons who are not parties to the present proceedings, including those who have acquired rights in the property through duly executed sale deeds. Any such course, if permitted without due consideration of its wider ramifications, may disturb settled rights and expose bona fide purchasers to displacement and avoidable uncertainty. The Court, therefore, must strike a judicious balance between the plaintiff’s asserted rights and the rights of those third parties who may be irreversibly affected by the outcome of the proceedings. Justice cannot be administered by viewing the controversy through the narrow prism of the litigating parties alone; its wider impact upon persons who are not before the Court must also inform the judicial approach. The law does not require the Court to

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disregard these consequences where the statutory conditions for rejection of a plaint are otherwise satisfied.

48. The principle of certainty in property transactions is not a substitute for the law of limitation, nor can it override a right which is otherwise established in accordance with law. Its relevance here is that the petitioners' registered acquisition, their asserted bona fide reliance upon the available records, the subsequent public proceedings and the substantial investment made in developing the land and inclusion of interest of several others cannot be treated as immaterial when the plaintiff seeks to reopen the transaction after an inordinate lapse of time. A purchaser who has paid consideration, obtained a registered conveyance and thereafter acted upon the transaction by securing statutory permissions and developing the property is entitled to have the legality of the challenge examined with due regard to the protections afforded by the law of limitation and the requirements governing the disclosure of a cause of action. The mere assertion of an alleged share cannot, by itself, justify subjecting such purchasers to indefinite uncertainty, particularly where the plaintiff's own prior proceedings and the chronology of subsequent events bear materially upon the explanation offered for the delay. The Court must, therefore, strike the legally required balance by applying the statutory requirements governing cause of action and limitation, ensuring that a genuine and enforceable proprietary claim is not defeated merely by considerations of convenience, while equally ensuring that bona fide purchasers are not subjected

to the inequity of defending a long-completed transaction without the threshold objections to its maintainability being judicially examined in accordance with law.

7. Frivolous Litigation, Illusory Cause of Action and the Duty of the Court to Prevent Abuse of Its Process

49. The foregoing circumstances must ultimately be examined in the context of the two principal grounds invoked by the petitioners under Order VII Rule 11 CPC, namely, the absence of a sustainable cause of action and the bar of limitation. The inquiry is not whether the plaintiff will ultimately succeed at trial, nor whether every assertion made by the petitioners must be accepted as proved. The inquiry is whether the plaint, on a meaningful reading of its averments and the material properly available for consideration at this stage, discloses a legally sustainable basis for the relief claimed against the petitioners and whether the action is shown to be barred by law. In undertaking this exercise, the Court cannot remain oblivious to the distinction between a genuine lis warranting adjudication and litigation which, upon a meaningful and holistic scrutiny of the pleadings and the legally permissible material, appears to be founded upon an illusory cause of action or is otherwise manifestly untenable in law.

50. The Hon’ble Supreme Court, in Manjula and Others v. D.A. Srinivas, Civil Appeal No. 7370 of 2026 [arising out of SLP (C) No. 7924 of 2024], decided on 08.05.2026, reported as 2026 INSC 465, reiterated that the underlying object of Order VII Rule 11

CPC is to prevent meaningless litigation, which is bound to prove abortive, from unnecessarily occupying judicial time. The Court emphasised that the admission of a plaint is neither automatic nor mechanical and that the Trial Court is under an obligation to scrutinise the plaint, read as a whole and in conjunction with the documents relied upon, to ascertain whether a real cause of action is disclosed or whether the suit is barred by law. The Court further underscored that, although a disputed question of fact ordinarily cannot be conclusively determined without evidence, the very legal sustainability of the foundation upon which such a question is sought to be raised must be examined before relegating the parties to the ordeal of trial. The aforesaid pronouncement reinforces the principle that procedural safeguards are intended to facilitate the just adjudication of genuine disputes and are not to be applied in a manner that renders the statutory remedy under Order VII Rule 11 CPC ineffective against litigation which is demonstrably untenable on the legally permissible material available at the threshold.

51.It is equally necessary to emphasise that the power conferred under Order VII Rule 11 CPC, though drastic in its consequences, ought not to be exercised with such rigidity as to defeat the very object for which the provision has been enacted. While the statutory requirements governing rejection of a plaint must be scrupulously observed, such observance cannot be equated with an unduly restrictive approach that compels the Court to disregard material circumstances which are judicially

noticeable, undisputed in their authenticity, or so patent as to admit of an ordinary and reasonable inference. The settled principle that the plaint must be read as a whole, and that the defence cannot ordinarily be relied upon to determine disputed questions at the threshold, does not require the Court to shut its eyes to legally permissible material bearing upon the real nature of the controversy. For the limited purpose of determining whether the plaint discloses a cause of action or is barred by law, the Court may appropriately consider the following categories of facts and material, subject always to the applicable rules of law and the nature of the objection raised:

(i) Judicially noticeable facts: Facts capable of being noticed judicially in accordance with law may legitimately form part of the Court's consideration. The exercise of jurisdiction under Order VII Rule 11 CPC does not require the Court to disregard facts which are properly susceptible to judicial notice merely because they are not separately reiterated in every paragraph of the plaint.

(ii) Documents of unimpeachable character: Documents of impeccable quality, the genuineness and authenticity of which are not in dispute, may be considered where they are legally permissible to be taken into account at the threshold. This category may include public documents and certified copies of documents forming part of judicial proceedings, subject to their relevance, admissibility and the legal limitations governing the exercise of jurisdiction under Order VII Rule 11 CPC. Such documents may assist the Court in examining the chronology of

events, the plaintiff's own prior pleadings and proceedings, and the legal sustainability of the cause of action asserted in the plaint, without treating every statement contained therein as conclusively established.

(iii) Blatantly apparent and readily inferable facts: Facts which are manifest from the undisputed material on record, or the existence of which may reasonably be inferred by a person of ordinary prudence in the ordinary course of human affairs, cannot be disregarded merely because the plaint contains an assertion which, when examined in isolation, presents a different picture. Nevertheless, such an inference must arise from the material legitimately available to the Court and cannot be employed as a substitute for evidence where the underlying facts are genuinely disputed. The Court cannot shut its eyes to the ground realities and confine its consideration merely to the averments made in the plaint that the plaintiff is in possession of and cultivating the suit land. Where the physical features of the land manifest the existence of constructed buildings, roads, vehicular movement and the regular ingress and egress of people, such circumstances cannot be brushed aside by placing exclusive reliance upon the pleadings that the plaintiff is carrying out agricultural activities, including sowing and irrigation. The pleadings, undoubtedly, constitute the foundation of the *lis*; however, the Court cannot remain oblivious to the apparent physical developments which may have a direct bearing upon the claim of possession. A claim of agricultural possession cannot be examined in disregard of the

physical character of the land as it exists on the ground. The Court is required to assess the controversy with due regard to the realities of the situation and cannot permit the recitals in the plaint to eclipse the visible state of affairs.

(iv) The nature, extent and duration of visible activities and physical development at the site: The Court must also distinguish between a person's alleged lack of knowledge of the contents of a particular document and the question whether the conspicuous and sustained physical activities undertaken on the very property in which that person claims an interest could reasonably have remained beyond their knowledge. Irrespective of whether the person concerned is literate or illiterate, or belongs to any particular social, educational or economic background, the nature, scale and conspicuousness of construction activities undertaken on the very land in which such person claims an interest are relevant circumstances that cannot be lightly disregarded. Where buildings are erected and substantial development takes place over a prolonged period, the likelihood of such activities remaining entirely beyond the person's knowledge must be examined in the light of the surrounding circumstances. Where the material placed before the Court lawfully establishes that land has, over a substantial period, undergone conversion from agricultural to residential use, that roads and civic infrastructure have been developed, that residential buildings have been constructed, and that a fully developed and inhabited residential colony had come into existence, these circumstances

may constitute relevant surrounding facts in assessing the plausibility of a plea of delayed knowledge. The Court need not, at the threshold, conclusively presume actual knowledge merely from the existence of such development; equally, it cannot disregard the nature, scale, visibility and duration of the activities undertaken on the property and mechanically accept a plea of ignorance without examining its consistency with the surrounding circumstances. The evidentiary significance of such facts must be assessed within the limits of Order VII Rule 11 CPC, particularly where the nature and extent of the development are undisputed or otherwise established through material lawfully available for consideration.

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The aforesaid categories do not enlarge the statutory scope of Order VII Rule 11 CPC or authorise the Court to conduct a miniature trial. They merely underscore that the exercise of jurisdiction under the said provision must be informed by a meaningful and holistic scrutiny of the plaint, together with the material that the law permits the Court to consider at that stage. The distinction is between impermissibly deciding a disputed defence and legitimately examining whether the plaintiff's pleaded case can withstand scrutiny in the light of judicially noticeable facts, documents of unimpeachable character, manifest circumstances and the objectively discernible course of events. A procedural provision must operate as an instrument for the effective administration of justice, rather than as an impediment that renders its statutory remedy ineffective. Otherwise, the very

purpose for which the provision has been enacted would stand frustrated, and the Court would risk permitting a legally untenable proceeding to continue merely because its infirmity has been obscured by a formal or isolated reading of the pleadings.

52. The necessity of such scrutiny becomes particularly apparent in the present case when the plaintiff's pleadings in the civil suit are juxtaposed with the stand taken by her in the earlier revenue proceedings. In the plaint presented through her general power of attorney, the plaintiff has asserted that Rawatram had three sons, namely, Moolaram, Gorkharam and Pratapram @ Pattaram, and has founded her claim upon the alleged succession to the share of her father, Pratapram. However, in the application dated 23.05.2017 preferred by the plaintiff herself under Order XLI Rule 22 CPC in the earlier proceedings, she described Rawatram as having only two sons, namely, Gorkharam and Pratapram @ Pattaram, while describing Moolaram as a lawaris or disinherited person. The said application further referred to the mutation proceedings dated 04.06.1995, whereby Moolaram, Gorkharam and the branch of Pratapram were recorded in the revenue record with their respective shares. The aforesaid inconsistency is not a mere variation in the manner of describing an incidental circumstance; it concerns the very genealogy and devolution of rights upon which the plaintiff's asserted entitlement is founded. Although the legal effect of these inconsistent statements must be assessed within the permissible scope of Order VII Rule 11 CPC, the Court cannot disregard the plaintiff's

own prior pleadings merely because the subsequent plaint advances a different version. Where the foundational assertions concerning the identity of the co-sharers and the devolution of the property are materially inconsistent, the Court is required to examine whether the cause of action pleaded against the purchasers is genuine and legally sustainable, rather than permitting contradictory versions to pass unquestioned into a full-fledged trial.

53. The learned Trial Court correctly recognised that disputed questions cannot ordinarily be decided by accepting the defence as established. However, the application of that principle cannot result in the exclusion of the plaintiff's own earlier pleadings and proceedings from the assessment of the case pleaded by her. Her prolonged silence and failure to assert her alleged share in her father's estate for a considerable period following his demise constitute relevant circumstances that must be considered in conjunction with her earlier pleadings and conduct in the revenue proceedings while examining the consistency of her claim and the sustainability of the cause of action pleaded in the suit. .These matters were directly relevant to the plaintiff's asserted date of knowledge, the genealogy pleaded by her and the nature of the cause of action alleged against the purchasers.

54. The petitioners have specifically contended that the present proceedings were instituted to harass them and to extract an unlawful monetary settlement after the land had been converted for residential purposes and developed into a residential colony.

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The application under Order VII Rule 11 CPC alleges that the suit was instituted with an ulterior motive, notwithstanding the registered conveyance, the subsequent conversion proceedings and the creation of residential interests in the property. Such an allegation, merely because it has been made by the defendants, cannot independently furnish a ground for rejection of the plaint. Nevertheless, where the plaintiff's own pleadings, her conduct in not pursuing mutation proceedings despite the entry of her mother's and brother's names alone in the revenue records, the material bearing upon the genealogy and succession, the chronology of the registered transaction and the circumstances surrounding the subsequent proceedings collectively raise a substantial question as to whether the asserted cause of action is real or merely illusory, the Court is not required to accept the pleaded case mechanically. The judicial process exists to secure the adjudication of genuine legal grievances and cannot be permitted to become an instrument for exerting unwarranted pressure upon litigants or for keeping completed property transactions under an indefinite cloud without a legally sustainable basis. The distinction between a bona fide claim that ultimately fails and a frivolous proceeding that discloses no legally sustainable cause of action must, however, be maintained; the latter conclusion must emerge from the applicable statutory test and the material lawfully available for consideration, rather than from conjecture regarding the plaintiff's motives.

55. The administration of justice necessarily demands that the Courts remain accessible to every person possessing a genuine grievance, while simultaneously ensuring that their finite judicial time is not consumed by proceedings which, on a meaningful examination, are found to be legally untenable. The principle that justice must not only be done but must also manifestly be seen to be done requires the Court to scrutinise the substance of the controversy rather than mechanically permit every claim to proceed to trial merely because it has been formally instituted. Courts are not required to repose unquestioning confidence in assertions which are demonstrably inconsistent with the plaintiff's own pleadings or irreconcilable with material of unimpeachable character that may lawfully be considered at the threshold. Procedural law must serve as a facilitator of justice, operating as a lubricant for the fair and effective resolution of disputes, rather than becoming an instrument of resistance that obstructs the termination of proceedings which the statute does not permit to continue. If a plaint discloses no real cause of action or is barred by law, postponing the inevitable determination despite the fulfilment of the statutory conditions under Order VII Rule 11 CPC would defeat the very purpose of the provision and unnecessarily subject the opposing parties to the burden, expense and uncertainty of protracted litigation.

56. The Hon'ble Supreme Court in **Manjula and Others v. D.A. Srinivas** (supra) has underscored the necessity of curtailing frivolous suits and proceedings in which the cause of action is

illusory, by undertaking a meaningful and wholesome reading of the plaint and the accompanying documents and, where the statutory conditions are satisfied, terminating such litigation at the earliest stage. The Court has cautioned against permitting clever drafting to conceal a legal impediment or to create the appearance of a cause of action where none is legally sustainable. This principle assumes particular relevance where the pleadings disclose mutually inconsistent foundational assertions, a challenge to a registered transaction after a substantial lapse of time, and reliefs affecting property that has subsequently undergone conversion and residential development with vested interests of several persons not party to the suit. The present controversy must, therefore, be examined not merely by reference to the plaintiff's assertion of succession or her pleaded date of knowledge, but also by determining whether the cumulative circumstances, insofar as they emerge from the plaint and the material legally permissible for consideration, disclose a genuine and enforceable cause of action against the petitioners. The object is not to discourage bona fide litigation or to deny a trial where disputed facts genuinely require adjudication; it is to ensure that frivolous or legally untenable proceedings do not occupy judicial time at the cost of disputes that genuinely call for adjudication.

57. The circumstances discussed above, taken together, required the learned Trial Court to examine whether the later date of knowledge pleaded in the plaint could legally sustain the action, rather than treating the question as necessarily incapable of

determination at the threshold. The Court is mindful that the power under Order VII Rule 11 CPC cannot be exercised merely because a claim appears weak, improbable or difficult to prove, nor can the defence be converted into evidence at the threshold. However, where the plaintiff's own pleadings and the material properly available for consideration disclose that the cause of action asserted against the purchasers is not legally sustainable, or that the suit is barred by limitation, the Court is duty-bound to exercise the jurisdiction conferred by the provision. The statutory scrutiny would otherwise be rendered ineffective by the simple expedient of pleading a later date of knowledge without adequately accounting for the surrounding circumstances.

58. The learned Trial Court's approach, in treating the issue of limitation as necessarily requiring evidence without sufficiently addressing the cumulative effect of the material relied upon by the petitioners, failed to give due effect to the requirement of a meaningful reading of the plaint. The circumstances of the present case called for a closer examination of whether the action, as framed, disclosed a timely and enforceable cause of action against the purchasers. In the considered opinion of this Court, the challenge raised by the petitioners cannot be rejected merely on the ground that the plaintiff has asserted a right by succession or that limitation may, in some circumstances, involve questions of fact. The plaintiff's prolonged inaction in asserting her alleged share in her father's estate following his demise, despite the alleged accrual of her right of succession, the earlier proceedings

concerning the same land, the chronology of the registered transaction, the subsequent conversion and residential development concerning rights of people residing there, the substantial delay in instituting the civil suit and the material inconsistencies concerning the genealogy upon which her claim rests are relevant to the statutory inquiry under Order VII Rule 11 CPC. The learned Trial Court failed to appreciate that the question of limitation was requiring examination with reference to the date on which the plaintiff's right of succession accrued upon the death of her father, the nature and extent of the right allegedly inherited by her, and the applicable statutory period of limitation, rather than being considered solely from the date on which the property was alienated by her brother and mother in favour of the petitioners. The impugned order does not adequately account for these interrelated circumstances and, therefore, cannot be sustained.

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8. Conclusion

59. In view of the foregoing discussion, this Court is of the considered opinion that the learned Trial Court fell into error in dismissing the application dated 08.02.2021 preferred by the present petitioners under Order VII Rule 11 CPC and the same does not adequately address the material chronology, the plaintiff's earlier revenue proceedings, the circumstances bearing upon her asserted date of knowledge, and the legal sustainability of the cause of action pleaded against the purchasers. The impugned order, therefore, suffers from an error warranting

interference in the exercise of revisional jurisdiction under Section 115 CPC.

60. Consequently, the present civil revision petition is allowed. The impugned order dated 11.10.2023 passed by the learned Additional District Judge No. 7, Jodhpur Metro, in Civil Original Suit No. 59/2022 is hereby quashed and set aside. The application dated 08.02.2021 preferred by the petitioners under Order VII Rule 11 CPC stands allowed, and as a consequence of which the plaint is rejected, decree be prepared accordingly.

61. All pending applications, if any, stand disposed of.

(FARJAND ALI),J

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