



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 25th OF JULY, 2025

CIVIL REVISION No. 26 of 2014

SMT. VIMLA SHARMA

Versus

SOM BANDIL AND OTHERS

.....
Appearance:

Shri Rohit Bansal- Advocate for the applicant.

Shri P.C.Chandil- Advocate for the respondent No.1 to 3 and 5.
.....

ORDER

This civil revision under Section 115 of C.P.C. has been filed against the order dated 19/12/2013 passed by III Civil Judge Class-I, Morena in Civil Suit No.11A/2012 by which an application filed under Order 7 Rule 11 of C.P.C. has been dismissed.

It is the contention of applicant that respondent No.6/defendant No.2 has executed a sale-deed in favour of applicant. The aforesaid sale-deed has been challenged by respondents No.1 to 5 by filing a suit. An application under Order 7 Rule 11 of C.P.C. was filed alleging that during the lifetime of the father, his children cannot claim any share in the property. Therefore, the suit was not maintainable, however, the Trial Court by impugned order has rejected the said application.

Before considering the merits of the case, this Court requested to counsel for applicant to verify as to whether respondent No.6/ defendant



No.2 is still alive or not, because in the year 2013 i.e. the year in which this revision was instituted, respondent No.6/ defendant No.2 was aged about 75 years.

After seeking instructions from the applicant, it is submitted by Shri Bansal that respondent No.6/defendant No.2 is no more. Thus, after the death of respondent No.6/ defendant No.2, the ground, which was raised by applicant in application filed under Order 7 Rule 11 of C.P.C. is no more.

In view of changed circumstances, this Court is of considered opinion that no useful purpose would be served by considering the revision on merits.

Accordingly, the revision fails and is hereby **dismissed** on the ground that after the death of respondent No.6, everyone can claim and maintain the suit for declaration of title, partition as well as for declaration of sale-deed as null and void.

(G. S. AHLUWALIA)
JUDGE

PjS/-