

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO
CIVIL REVISION PETITION No.1943 of 2015

–
ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondent.

2. Respondent herein filed R.C.No.1 of 2011 before the Court of Principal Junior Civil Judge, Gadwal (for short, lower Court) seeking eviction of the petitioner herein. In the said RC, the petitioner herein filed I.A.No.47 of 2013 under Order VII Rule 11(1) and (d) read with Section 151 of CPC to reject the plaint. The lower Court dismissed the said application on 08.04.2015 against which the present Revision is filed. Respondent is none other than the brother of the petitioner.

3. The lower Court held that the disputed question whether house bearing No.7-10-6 and 7-10-6/A are one and the same or the petitioner herein is a tenant of the said premises cannot be decided at the stage of considering the application under Order VII Rule 11 of CPC and it has to be considered only after filing of the written statement. The lower Court also opined that the petitioner has not assigned any reason for rejection of the plaint.

4. I have carefully perused the application filed by the petitioner and it does not disclose any reason for rejection of the plaint, except mentioning the provision of law. In the circumstances, I do not see any error with the order passed by the lower Court in rejecting the application in I.A.No.47 of 2013 by its order dated 08.04.2015.

5. The Civil Revision Petition is, accordingly, dismissed.

However, this will not prevent the petitioner from raising appropriate pleas in the written statement to be filed in R.C.No1 of 2011 before the lower Court. No order as to costs. Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 13.07.2015
TJMR