

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.5341 of 2015

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ORDER :

This civil revision petition is filed under Article 227 of the Constitution of India, by the defendants in the suit in O.S.No.895 of 2013 on the file of II-Additional Chief Judge, City Civil Court, Hyderabad, aggrieved by order, dated 07.10.2015, passed in I.A.No.3011 of 2013, by which, the application filed by the defendants under Order 7 Rule 11 of C.P.C., seeking to reject the plaint, is dismissed.

Heard learned counsel for petitioners.

The only ground urged by the learned counsel for petitioners is that earlier, there was a suit pending in O.S.No.7009 of 1991, which was instituted for injunction, in which, there was a finding that the suit schedule property was not joint family property, and in that view of the matter, there is no cause of action for filing the present suit.

The earlier suit in O.S.No.7009 of 1991 was filed for injunction simplicitor and the suit schedule properties in that suit and the present suit in O.S.No.895 of 2013 are altogether different. In that view of the matter, same is no ground for rejection of plaint in exercise of powers under Order 7 Rule 11 of C.P.C.

For the aforesaid reasons, the revision is devoid of merit and it is accordingly dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

18th December 2015

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