

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**CIVIL REVISION PETITION No.5316 of 2015**

**ORDER:** *(Per Hon'ble Sri Justice R. Subhash Reddy)*

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the defendants 1 to 3 in the suit in O.S.No.114 of 2015 on the file of the III Senior Civil Judge, City Civil Court at Secunderabad, aggrieved by the order dated 07.11.2015 passed in I.A.No.628 of 2015 in the said suit.

The aforesaid suit is filed claiming partition of the suit schedule property into four equal shares by metes and bounds and to allot one such share to the plaintiffs 1 to 3, one share to the 4<sup>th</sup> plaintiff, one share to the defendants 1 and 2 and one share to defendant No.3. The suit schedule property is the house property consisting of ground, two floors and pent house. In the said suit, the defendants 1 to 3 have filed the present application in I.A.No.628 of 2015 under Order VII Rule 11 (a) read with Section 151 CPC to reject the plaint. It is the case of the petitioners/defendants 1 to 3 that the entire suit schedule property is in the name of the 1<sup>st</sup> defendant and it is her self-acquired property, which is not partitionable, and as such, there is no cause of action at all. By the impugned order, the Court below has dismissed the I.A. Hence, this revision is filed.

Heard Sri Vedula Venkataramana, learned Senior counsel appearing for the petitioners, and perused the material available on record.

It is the case of the petitioners/defendants that the suit schedule property was purchased with the funds other than the funds derived from the joint family property. The issue whether the suit schedule property was purchased with the joint family funds or any other funds, can be decided only after trial. In that view of the matter, it cannot be said that there is no cause of action for filing the suit and, therefore, there is no merit in this revision to interfere with the impugned order.

The Civil Revision Petition is accordingly dismissed.  
No order as to costs.

As a sequel, the pending miscellaneous petitions, if any, shall stand closed.

---

**JUSTICE R.SUBHASH**

**REDDY**

23.12.2015

v v