

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.3927 of 2014

ORDER:

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

2. The petitioner herein is defendant No.14 in O.S.No.17 of 2004 on the file of the Court of the III Additional District Judge, Karimnagar (for short, trial Court). The first respondent herein filed the said suit seeking declaration of title and recovery of possession of the land in an extent of Ac.3-00 guntas in survey No.1094/I, situated at M.R.Karimnagar, Karimnagar District and for a mandatory injunction for removal and demolition of the structures illegally raised in the said property. He also prayed for a declaration that the registered sale deeds bearing document Nos.1826/1983 dated 06.05.1983, 1827/1983 dated 06.05.1983, 1949/1983 dated 16.05.1983, 2679/1983 dated 07.07.1983 and 2681/1983 dated 07.07.1983 as null and void. The evidences of the parties were let in, and after completion of the evidence, the petitioner filed I.A.No.211 of 2014 for rejection of the plaint.

3. The trial Court dismissed the said application, by its order dated 05.09.2014, with the following observations:

“10. In the present case, the petitioner has taken these grounds for rejection of plaint (1) absence of cause of action and (2) barred by limitation and also on the aspect of *res judicata*. Whereas in view of the above judgments, the issue is regards limitation in issue and it needs to be seen and these are not the grounds for rejection of the plaint at this stage, there is no patent defect and these grounds can be taken at the initial stages also. The grounds taken by the petitioner can be looked into while disposing the suit. The benefit of doubt if any must be extended to the plaintiff, as such the petition is liable to be dismissed.”

Challenging the said order, the present Civil Revision is filed.

4. A reading of the impugned order discloses that D-22, D-36 and D-37 filed a petition in C.F.No.7140 of 2008 in an unregistered IA in O.S.No.17 of 2004 under Order VII Rule 11, and when the said application was rejected on 18.02.2009, the CRP filed before this Court was also dismissed. The present application is filed by defendant No.14.

5. Since the trial Court stated in the impugned order that the grounds raised by the petitioner can be looked into while disposing of the suit, this Court sees no ground to interfere with the impugned order of the trial Court and therefore the Civil Revision Petition is dismissed without going into the merits of the case. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 23.11.2015

TJMR