

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.890 of 2015

ORDER:

Heard the learned counsel for the petitioner.

This Civil Revision Petition arises out of order in I.A.No.296 of 2014 in O.S.No.169 of 2014 dated 30.01.2015.

The petitioner is the defendant in the suit. He filed the above I.A.No.296 of 2014, under Order VII Rule 11(d) of the Code of Civil Procedure, seeking rejection of the plaint.

The respondent – plaintiff filed a counter and, based on the same, the Trial Court passed an order on 30.01.2015 dismissing the application on the ground that the suit was based upon registered gift settlement deed executed by the mother of the plaintiff on 14.09.2009, and there is no whisper in the plaint in support of the grounds urged by the defendant so as to hold that the present suit is barred by any law.

Since the objection raised by the defendant relates to the jurisdiction of the Court, and the learned counsel for the petitioner submits that the suit is at the stage of framing issues, it is open to the petitioner herein to request the Court to frame an issue with regard to jurisdiction to hear the suit, and the suit can be disposed of along with the said issue. When the Court suggested this course of action, learned counsel for the petitioner seeks permission to withdraw the CRP and move the lower Court for framing of issue.

Permission is accorded, and the Civil Revision Petition is, accordingly, dismissed as withdrawn.

As a sequel thereto, miscellaneous applications, if any, also stand dismissed.

A. RAMALINGESWARA RAO,J

Date:24.04.2015

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