

THE HON'BLE SRI JUSTICE S.V. BHATT
CIVIL REVISION PETITION No.518 OF 2015

ORDER:

Defendants 1 to 5 are the revision petitioners. The revision is directed against the order in I.A.No.55 of 2013, dated 10-11-2014.

The revision petitioners filed I.A.No.55 of 2013 under Order 7 Rule 11 (d) of Code of Civil Procedure to reject the plaint in O.S.No.85 of 2010 in the Court of Senior Civil Judge, Gadwal. The revision petitioners have filed detailed written statement and are opposing the frame of suit, maintainability and that the suit is beyond the period of limitation. The revision petitioners with a view to get the plaint rejected have filed the present application. The same was opposed by the plaintiffs/respondents herein. Through the order impugned after noticing the issues and that trial is required to decide the issues the trial Judge dismissed the application. Hence, the revision.

Sri K.L.N. Swamy, learned counsel for the revision petitioner tried to persuade this Court that the understanding of the trial Court is erroneous and that if the averments in the plaint are taken at their face value the suit is barred by limitation and suit ought not to be continued.

I have perused the order impugned. All most all the grounds advanced for return of the plaint are considered by the trial judge and found that the matter requires trial and at this stage of the matter the rejection of plaint cannot be considered. Either these

aspects are independently considered or findings examined and this Court expresses any view on issues, which are pending trial in O.S.No.85 of 2010, the findings would certainly cause prejudice to one party or the other. Hence, I am not inclined to entertain the revision as I am in full agreement with the reasoning of the trial Court.

Accordingly, the Civil Revision Petition is dismissed by directing the trial Court to dispose of the suit within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

S.V. BHATT, J

February 27, 2015

PN

THE HON'BLE SRI JUSTICE S.V. BHATT

-
-
-
-
-
-
-

-

-

CIVIL REVISION PETITION No.518 OF 2015

-

February 27, 2015

-

-

PN