

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CIVIL REVISION PETITION No.3533 of 2018

ORDER:

Challenge in this Civil Revision Petition is the order rendered by the Court of Additional Junior Civil Judge, Malkajgiri, Ranga Reddy District, in I.A.No.163 of 2018 in O.S.No.353 of 2017, dated 09.03.2018.

2. A perusal of the record reveals that the revision petitioners herein, who are defendant Nos.3 and 4 to the suit, filed an application under Order VII Rule 11 C.P.C. seeking the Court to reject the plaint. The said application was dismissed mainly on the ground that the revision petitioners failed to mention the details of the clause of Order VII Rule 11 under which the relief sought for falls.

3. Heard the submission of learned counsel for the petitioners as well as the learned counsel for respondent No.1, who is the plaintiff to the suit.

4. The learned Judge of the trial Court failed to appreciate the fact that though the relevant clause is not mentioned, that does not bar the Court to deal with the application and render orders on merits, more so when the contents of the affidavit filed in

support of the petition reveals the grounds under which the relief to reject the plaint is sought for. The relief sought for might or might not have been granted. But, dismissal of application on a flimsy and technical ground is unjustifiable. Therefore, this Court is of the view that the order rendered by the learned Judge is unsustainable and the same is liable to be set aside.

5. Resultantly, this Civil Revision Petition is allowed and the order rendered by the Court of Additional Junior Civil Judge, Malkajgiri, Ranga Reddy District, in I.A.No.163 of 2018 in O.S.No.353 of 2017, dated 09.03.2018 is set aside. The matter is remanded back to the said Court to deal with the said interlocutory application afresh and to render order on merits after hearing learned counsel for the respective parties on record before the said Court. No order as to costs.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

06.06.2022.
Msr

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CIVIL REVISION PETITION No.3533 of 2018

06.06.2022
(Msr)