

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CIVIL REVISION PETITION No.5330 of 2016

ORDER:

This civil revision petition arises out of the order dated 07.09.2016 passed by the learned Additional Junior Civil Judge, Malkajgiri, Ranga Reddy District, in I.A.No.609 of 2016 in O.S.No.95 of 2016. The petitioner, being the first defendant in the suit, filed the said I.A. under Order VII Rule 11 C.P.C. seeking rejection of the plaint on the ground that there was no cause of action for filing the suit. By the order under revision, the trial Court dismissed the I.A. Aggrieved thereby, he is before this Court.

Sri Police Venkat Reddy, learned counsel for the petitioner/first defendant, would state that the suit was filed for a perpetual injunction and the plaint averments read to the effect that the defendants illegally tried to interfere with the possession and enjoyment of the plaintiff over the suit schedule property on 30.03.2016 and 06.04.2016. Learned counsel would further state that the first defendant left the country on 24.03.2016 and returned only in September, 2016, and therefore the question of his interfering with the plaintiff's alleged peaceful possession and enjoyment over the suit schedule property on 30.03.2016 and 06.04.2016 would not arise.

Though this would have been a crucial factor had the suit been filed only against the petitioner/first defendant, the inescapable fact remains that there is also a second defendant in the picture. Therefore, rejection of the plaint under Order VII Rule 11 C.P.C. on the ground cited by the petitioner/first defendant did not arise. This Court therefore finds no reason to interfere with the order under revision. However, keeping in mind the aforestated relevant facts, the trial Court shall endeavour to dispose of the suit as expeditiously as possible.

The C.R.P. is dismissed subject to the above observation. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date:02.12.2016
GJ

