

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.1927 OF 2016

ORDER:

The respondent in I.A.No.16 of 2016 in O.S.No.637 of 2015 on the file of IX Junior Civil Judge, City Civil Court, Hyderabad, preferred this revision against the order on admission under Order XII Rule 6 of C.P.C.

2. The petitioner/plaintiff filed I.A.No.16 of 2016 in O.S.No.637 of 2015 under Order XII Rule 6 C.P.C., to pass a judgment and decree on admission.

3. When this Court raised an objection about the maintainability of the revision filed under Article 227 of the Constitution of India, as the decree and judgment passed on admission under Order XII Rule 6 C.P.C. is an executable decree as defined under Section 2 (d) of C.P.C., Sri M. Ganga Rao, learned counsel for the petitioner, requested this Court to record an observation and grant liberty to the petitioner to file an appeal.

4. As per the judgment in ***Molugu Ram Reddy v. Mulugu Vittal Reddy***^[1] rejection of plaint under Order VII Rule 11 (a) C.P.C., is a decree within the meaning of Section 2 (d) of C.P.C., and against such a decree, an appeal lies under Section 96 read with Order XLIII Rule 1 C.P.C. In ***Payal Vision Limited v. Radhika Choudhary***^[2], the Apex Court held that a decree on admission under Order XII Rule 6 C.P.C. is only an appealable decree and there would not lie a revision under Article 227 of the Constitution of India.

5. In the present case, decree and judgment are passed under Order XII Rule 6 C.P.C., on admission. Hence, it is an executable decree and it par-takes the character of the ordinary decree

after full-fledged trial. Therefore, appeal alone lies against such decree and judgment on admission. Consequently, the revision is not maintainable under Article 227 of the Constitution of India.

6. The Civil Revision Petition is accordingly dismissed. However, the petitioner is given liberty to seek appropriate remedy in an appropriate Court. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

M.SATYANARAYANA MURTHY, J

Date:22.08.2016

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[\[1\]](#) 2011 (5) ALD 522

[\[2\]](#) (2012) 11 SCC 405