

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

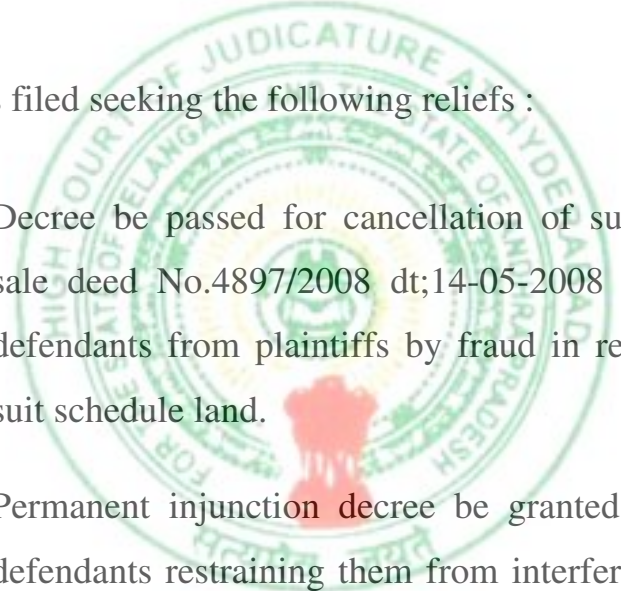
CIVIL REVISION PETITION No.5182 of 2016

ORDER:

This revision petition by the plaintiffs/petitioners in the unregistered suit is directed against the orders dated 03.08.2016 of the Court below, returning the plaint giving Seven days time for compliance of an office objection.

I have heard the learned counsel for petitioners/plaintiffs and perused the material record.

The suit is filed seeking the following reliefs :

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- “1. Decree be passed for cancellation of suit registered sale deed No.4897/2008 dt;14-05-2008 obtained by defendants from plaintiffs by fraud in respect of the suit schedule land.
 2. Permanent injunction decree be granted against the defendants restraining them from interfering with the possession of the plaintiff over the suit schedule land.
 3. Cost of the suit be awarded.”

The trial Court initially has taken an objection in regard to valuation. Complying with the office objection of the Court, the plaint was represented. After the plaint was returned and represented a few number of times, ultimately by the order impugned in the revision passed on 03.08.2016, the plaint was returned. The said order of return reads as under:

“Heard the plaintiffs’ counsel. A plain reading of the plaint averments reveals the contradicting facts for the execution of a sale deed now sought to be cancelled and it shall be explained as to how the suit is maintainable for cancellation of an original sale deed. Hence, returned”.

[Reproduced verbatim]

In the considered view of this Court, when the plaint is returned with the office objection, the plaintiffs either ought to have represented the plaint answering the objection or in the alternative made a request to the Court to call the matter on Bench for hearing. The plaintiffs did not follow either of the two courses. Therefore, the revision petition is misconceived. Be that as it may.

The revision petition is hence disposed of giving liberty to the plaintiffs to re-present the plaint within two weeks from the date of receipt of a copy of this order before the trial Court with any representation [in writing] which they wish to make in answer to the office objection dated 03.08.2016 of the Court below and request the Court to hear the plaintiffs’ learned counsel and pass appropriate orders.

No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

M.SEETHARAMA MURTI, J

28th October 2016

Note :

Registry is directed to return the original plaint to the learned counsel for petitioners under proper acknowledgement as per procedure, for resubmission before the Court below.

(b/o)

ajr