

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3231 OF 2016

ORDER.

This petition is filed under Article 227 of Constitution of India challenging the order passed on 10th December, 2015 in I.A.No.487 of 2015 in O.S.No.26 of 2014 by the XI Additional Chief Judge, City Civil Court, Hyderabad, which was filed under order 7 Rule 11 read with Section 151 C.P.C. to reject the plaint. The Chief Judge, City Civil Court was pleased to order petition and rejected the plaint.

The only objection raised by the respondent is that it is appealable decree and no revision lies against the order of rejection of plaint.

In support of his contention, he relied on the judgment of the Full Bench of this Court reported in *MOLUGU RAM REDDY AND OTHERS v. MOLUGU VITTAL REDDY AND OTHERS* (¹) wherein this court held that judgment rejecting a plaint; not being an order appealable by way of miscellaneous appeal under any of the provisions as contemplated under Section 104 read with Order XLIII is only appealable under Section 96. It is a decree within the definition under Section 2 (d) of C.P.C.

Applying principle laid down in the above decision, C.R.P. is dismissed as it is not maintainable under Article 227 of Constitution of India. However, it is left open to petitioner to challenge the decree, if so advised in appropriate court.

¹ 2011 (5) ALD 522 (FB)

Registry is directed to return the certified copy of the order and decretal order enabling the petitioner to take appropriate steps to challenge the same in appropriate forum within three days.

As a sequel to the disposal of this revision, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 27-9-2016.

Dvs.



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