

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.3544 of 2016

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Date: 05.08.2016

Between:

Boddapati Rama Rao and 17 others

.. Petitioners

and

Karri Veera Venkata Satyanarayana Reddy & 15 others

.. Respondents

Counsel for the petitioners :

Mr.V.Ravinder Rao

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The Court made the following:

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Order :

This Civil Revision Petition arises out of Order, dated 06-06-2016, in IA.No.1994 of 2015 in OS.No.233 of 2008 on the file of the Court of the Principal District Judge, Visakhapatnam.

Respondents filed the afore-mentioned suit for declaration of title and recovery of possession of the suit schedule property. It is their pleaded case that respondent Nos.3 to 16 have executed registered General Power of Attorney-cum-Agreement of Sale on 26-05-2007 in favour of respondent Nos.1 and 2 and that by virtue of the said document, the latter have derived title. The petitioners, who are defendants in the suit, have pleaded that they have purchased the suit schedule property from respondent Nos.3 to 16 under separate registered sale deeds executed on 19-04-1982.

It appears that respondent Nos.1 and 2 have filed OS.No.160 of 2007 for permanent Injunction in the Court of the Junior Civil Judge, Bheemunipatnam, by raising the same plea, which has been raised in the present suit; that an *ex parte* injunction was granted by the lower Court; that later, the lower Court has dismissed the application for temporary injunction; and that subsequently, respondent Nos.1 and 2 have withdrawn the said suit.

However, in the present suit, issues were framed and the trial was commenced. At that stage, the petitioners have filed IA.1949 of 2015 under Order VII Rule 11 read with Section 151 CPC for rejection of the plaint on the ground that it does not disclose the cause of action. The lower Court has, however, dismissed the said application on multiple grounds.

Though an application for rejection of plaint can be maintained at any stage of the suit, in my opinion, the trial having already been commenced, it was not the appropriate stage where the Court should reject the plaint. As the lower Court has exercised its discretion in favour of continuance of the suit, I do not find any reason to interfere with such discretion.

The Civil Revision Petition is, accordingly, dismissed, however, with the direction to the lower Court to dispose of the suit as expeditiously as possible.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.4553 of 2016, filed by the

petitioners for interim relief, is disposed of as
infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 5th August, 2016
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