

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.5496 OF 2016

ORDER :

This Civil Revision Petition is filed against order dated 20.08.2016 in S.R.No.4905 of 2016 in unregistered Original suit, wherein the Court below has rejected the plaint.

Learned counsel for the petitioners submit that even before the suit is numbered, the Court below has rejected the plaint by holding that the same is not maintainable. He submits that unless the suit is numbered, the same could not have been rejected and the said order also does not fall within the parameters of Order 7 Rule 11 CPC. He further submits that the rejection is not on the ground of any of the conditions envisaged under Order 7 Rule 11 of CPC.

A reading of the impugned order dated 20.08.2016 goes to show that the petitioners' suit is not numbered. The ground on which the plaint is rejected is also not on the ground envisaged under Order 7 Rule 11 of CPC.

Since the plaint is rejected before any notice was issued to the respondents, I am of the opinion that the impugned order is liable to be set aside, without notice to the respondents. Accordingly, the order of the Court below is set aside and the Court below is directed to number the suit, if it is otherwise in order. It is made it clear that this Court has not expressed any opinion on the merits of the case.

With the above observation, this Civil Revision Petition is allowed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

02.12.2016

kvs



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C.R.P No.5496 OF 2016



Date: 02.12.2016

kvs

