

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

Civil Revision Petition No.4179 of 2016

Date: 02.09.2016

Between:

Savaravilli Rama Krishna

.. Petitioner

and

Smt.Sompalli Vanaja and 2 others

.. Respondents

Counsel for the petitioner : Mr.G.Rama Gopal

The Court made the following:



Order:

This Civil Revision Petition arises out of Order, dated 19-01-2016, in IA.No.1602 of 2015 in OS.No.712 of 2014, on the file of the Court of the learned II Additional District Judge, Visakhapatnam.

I have heard Mr.G.Rama Gopal, learned Counsel for the petitioner, and perused the record.

The Respondents have filed the afore-mentioned suit for permanent injunction restraining the petitioner herein and 2 others from interfering with their possession of the suit schedule property. The petitioner filed the afore-mentioned IA under Order VII Rule 11 (a) of the Civil Procedure Code, 1908 (CPC), for rejection of the plaint on the ground that with the sale of the suit schedule property after the filing of the suit, the cause of action ceased to exist. The lower Court, however, dismissed the said application.

Under Order VII Rule 11 (a) CPC, a plaint shall be rejected where it does not disclose a cause of action. It is not the pleaded case of the petitioner that the plaint does not disclose the cause of action. However, he wants the Court to

take into consideration the alleged subsequent event of sale of the suit schedule property, which was denied by the respondents/plaintiffs. As rightly observed by the lower Court, in an application filed for rejection of plaint, the Court can only look into the averments in the plaint in order to ascertain whether it discloses the cause of action or not. The alleged subsequent event of sale of the suit schedule property and the consequent divesting of title and possession thereof from the respondents/plaintiffs cannot, therefore, be a subject matter of enquiry in an application filed under Order VII Rule 11(a) CPC. In this view of the matter, the lower Court has rightly dismissed the application.

Hence, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.5428 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 2nd September, 2016
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