

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.1004 of 2017

ORDER:

This Civil Revision Petition is filed aggrieved by an Order dated 04.03.20016 in I.A.No.682 of 2013 in O.S.No.123 of 2011 passed by the learned Principal Senior Civil Judge, Nellore.

2) The petitioner filed I.A.No.682 of 2013 in O.S.No.123 of 2011 under Order VII Rule 11 read with 151 of Code of Civil Procedure praying for rejection of the plaint on the ground that the suit claim for the period 01.11.2000 to 31.10.2008 is barred by limitation. The Court below while accepting that the claim for the above period is barred by limitation, however, refused to allow the I.A. on the ground that there are other releifs which are claimed by the plaintiff and it is not necessary to reject the plaint.

3) Heard the learned counsel for the petitioner, who had reiterated the averments and the grounds raised in the Civil Revision Petition.

4) Having considered the submissions of the learned counsel for the petitioner, this Court does not find any irregularity in the order made by the Court below in rejecting the application of the petitioner, which was made in the year 2016. It may be noted that the suit was instituted in the year 2011 and admittedly there are more than one relief, which have been prayed for in the suit. It is always open for the Court to consider the plea of the limitation also while trying the suit. As admittedly, the plaint in O.S.No.123 of 2011 reveals that the plaintiff not only prayed for one relief i.e., recovery of money but also claimed for other reliefs like delivery of

vacant possession of the plaint schedule premises to the plaintiff and damages for use and occupancy of the plaint schedule premises apart from costs of the suit. In those circumstances, the order made by the Court does not call for any interference.

5) Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall also stand dismissed.

Date:10.03.2017.
Ssv

JUSTICE CHALLA KODANDA RAM

