

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**CIVIL REVISION PETITION No.2606 of 2017**

**ORDER:**

Heard learned counsel for petitioners and also learned counsel for respondents and perused the impugned order of the lower Court, which is subject matter of revision.

No doubt, a perusal of the impugned order dated 03.02.2017 passed in I.A. No.20 of 2016 in O.S. No.125 of 2015 by the V Additional District Judge, Nalgonda District at Bhongir in dismissing the application filed for rejection of plaint as untenable is for no tenable grounds.

However, coming to the facts on reading of plaint, the suit claim is averred as within the limitation period of three years as per Section 58 of Indian Evidence Act. As such, for this Court while sitting in revision, there is nothing to interfere, for the Court cannot decide correctness of plaint averments of recent knowledge in setting up the cause of action to save limitation; but for, if at all, made open to the revision petitioners to seek for deciding as preliminary issue after filing of their written statement and on settlement of issues.

Accordingly, the revision is disposed of.

Consequently, miscellaneous petitions, if any, shall stand closed. No costs.

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**JUSTICE Dr. B.SIVA SANKARA RAO**

Date: 23.06.2017

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