

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.4504 OF 2017

ORDER:

The 1st defendant in O.S.No.2 of 2005 is the revision petitioner. The revision petitioner filed I.A.No.223 of 2016 under Order VII Rule 11(d) of the Code of Civil Procedure to reject the plaint in O.S.No.2 of 2005.

The learned Principal District Judge, Kurnool, through the order under Revision rejected the prayer. Hence, the Civil Revision Petition.

I have perused the detailed order impugned in the revision and *prima facie* I am satisfied that at this juncture i.e., after 12 years from the date of filing of plaint, the prayer for rejection was rightly refused and no exception would be taken to the findings recorded by the learned trial Judge.

Sri Staram relies on a decision reported in *PRAKASH AND OTHERS Vs. PHULAVATI*¹ to contend that the Court has jurisdiction and the plea now raised comes under Section 6 of the Hindu Succession Act. Therefore, having regard to subsequent developments, the plaint ought to have been rejected.

¹ (2016) 2 Supreme Court Cases 36

As already noted, the trial is completed and rejection of plaint on the ground pointed out by the petitioner herein is rightly refused.

The Civil Revision Petition fails and is accordingly dismissed.
No order as to costs.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed.

Dt: 12.09.2017
Prv

S. V. BHATT, J



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