

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CIVIL REVISION PETITION NOS.2598 AND 2665 OF 2017

COMMON ORDER

These civil revision petitions under Article 227 of the Constitution arise out of the separate orders dated 13.03.2017 passed by the learned XIV Additional District Judge, Ranga Reddy District at L.B.Nagar, in I.A.Nos.335 and 336 of 2016 in O.S.No.1205 of 2015. I.A.No.335 of 2016 was filed by defendant 1 and I.A.No.336 of 2016 was filed by defendants 2, 4, 25, 59, 65 and 81 in the suit, both under Order 7 Rule 11 CPC to reject the plaint. C.R.P.No.2598 of 2017 pertains to I.A.No.335 of 2016, while C.R.P.No.2665 of 2017 relates to I.A.No.336 of 2016. By the orders under the revisions, the trial Court dismissed both I.As. Aggrieved thereby, defendant 1 and defendants 2, 4, 25, 59, 65 and 81 are before this Court by way of these revisions.

Parties shall hereinafter be referred to as arrayed in the suit.

Heard Sri R.A.Achuthanand and Sri Praveen Vyapari, learned counsel for the petitioners/defendants, and Sri Sujeet Kumar Jaiswal, learned counsel representing Sri Govardhan Reddy Joundla, learned counsel for the 1st respondent/plaintiff.

Sri R.A.Achuthanand, learned counsel, would point out that the subject I.As. were filed seeking rejection of the plaint on three grounds—that the suit was filed beyond the period of limitation; that the suit relief was undervalued; and that there was no cause of action for filing this suit. Learned counsel would point out that though written arguments were filed by his client in support of his plea, the same were not taken into consideration by the trial Court which baldly dismissed the I.As. relying upon case law.

Sri Sujeet Kumar Jaiswal, learned counsel, would seek to advance arguments on the merits of the matter and also justify the orders under revisions.

However, upon perusal of the orders under revisions, this Court is of the opinion that the trial Court did not deal with the subject applications comprehensively by addressing all the issues raised, as set out in the written arguments. Though the trial Court relied upon case law at length, there is hardly any discussion on the factual aspects of the matter, whereby the ratio laid down in the case law could have been made applicable to the case on hand. Further, when the defendants filed lengthy written arguments, it was necessary for the trial Court to deal with the same. The orders under revisions fall short on both counts. The orders dated 13.03.2017 passed by the learned XIV Additional District Judge, Ranga Reddy District at L.B.Nagar, in I.A.Nos.335 and 336 of 2016 in O.S.No.1205 of 2015 are accordingly set aside and the matters are remitted for consideration afresh on facts and in accordance with law. The trial Court shall take into consideration the written arguments filed by the parties, if any, and thereafter pass detailed orders covering all aspects.

The civil revision petitions are allowed to the extent indicated above. Pending miscellaneous petitions in both matters shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

11th AUGUST, 2017

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