

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYUJULU

C.R.P. No. 800 of 2012

ORDER:

Heard the learned counsel appearing for both the petitioners and the respondents.

2. This revision is filed against the impugned order passed on 11.08.2011 in I.A.No.89 of 2011 in O.S.No.210 of 2007 by the VII Additional District & Sessions Judge, Vijayawada. The said I.A., was filed under Order VII, Rule 11 CPC to reject the plaint on the ground that on the date on which the suit is filed, the 2nd plaintiff was living in USA and that her signature was forged.

3. The respondents filed their counter stating that the signature of the 2nd plaintiff is not forged, and also raising some other grounds seeking dismissal of the said application.

4. After hearing both the parties, the trial Court passed the impugned order, dismissing the application for rejection of the plaint. Aggrieved by the same, the petitioners preferred the present revision.

5. Order VII, Rule 11 of the Code of Civil Procedure is an extraordinary remedy to be invoked only under certain specific conditions, which are enumerated in the Code itself. The grievance of the petitioner is a matter that has to be adjudicated in a trial, and it cannot be decided in a summary application under Order VII, Rule 11. There is no bar to the suit on the ground of alleged forgery. Hence, the order of the trial Court is well

reasoned and valid, and there are no grounds to interfere with the same.

6. Therefore, the revision petition is dismissed. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

D. V. S. S. SOMAYAJULU, J.

October 16, 2017
Kv



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