

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.39618 of 2017

Order: (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition seeking a very strange prayer, in the nature of Writ of prohibition, declaring the action of the VII Senior Civil Judge, Ranga Reddy District at L.B. Nagar, in entertaining and registering a suit in O.S.No.955 of 2017.

2. Heard Mr. Ch.V. Prasad Babu, learned counsel for the petitioner.

3. Admittedly and obviously, the petitioner has not seen the copy of the plaint. He has not received a copy of the plaint even to know whether a fraud has been conducted, whether the suit has been improperly valued and whether the appropriate Court Fee has been paid or not. Except knowing that he is the 257th defendant in the suit and except knowing that the suit relates to some property in respect of which he claims to have acquired title under a settlement deed, the petitioner pleads ignorance about the contents of the plaint.

4. But strangely, the petitioner also claims that he filed an incomplete written statement which was returned on 31-10-2017.

5. Thereafter, the petitioner seems to have filed an application before the Trial Court under Order VII, Rule 11(d) CPC, on the ground that the Court Fee paid was

deficient. The petitioner must be aware of the fact that if the objection to the maintainability of the suit is on the ground of payment of inappropriate Court Fee, the Court will not reject the plaint outright but will only return the plaint for payment of deficit Court Fee.

6. After filing such an application before the Trial Court, the petitioner has come up with a greater prayer in this writ petition that the numbering of the suit is fraudulent, without knowing the contents of the plaint and after filing an incomplete written statement.

7. We do not know how the writ petition is maintainable. On the ground that a suit is not maintainable, a writ petition which is not maintainable cannot be entertained. Therefore, the writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

23rd November, 2017.
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