

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.138 of 2018

ORDER:

The request of petitioner for rejection of plaint was considered and rejected by the II Additional Junior Civil Judge, Karimnagar, in I.A.No.70 of 2017 in O.S.No.172 of 2013, by recording the following findings :-

“The contention of the counsel for respondent/ plaintiff appears to be true at this stage it is not possible for the court to come to a conclusion that whether the alleged documents are obtained by impersonation until and unless the trial has completed. Further, this suit is coming up for framing of issues and at this stage it cannot be stated that the alleged documents as contended by the petitioner/ defendant is a forged document and moreover as rightly contended by the counsel for respondent/ plaintiff that registering of a criminal case and obtaining the report of expert is not conclusive proof and the alleged criminal case is still pending wherein no charge-sheet is filed and no trial is commenced. The further contention of the respondent/ plaintiff is that he has not purchased the said plot directly from Aluwala Venkatamma.

After careful reading of the plaint averments and the counter affidavit this court find force in the contentions made by the respondent/ plaintiff and simultaneously hold that at this stage it cannot be decided that the respondent/ plaintiff obtained the suit document by way of impersonation and it is also not attracting the provision U/ O.7 Rule 11 C.P.C.

In view of the above discussion, the petition is devoid of merits and I am inclined to dismiss this petition.

Hence, the Civil Revision Petition.

After perusing the affidavit, counter and the order impugned in the Civil Revision Petition, I am satisfied the trial court was right in rejecting the prayer for rejection of plaint.

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

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 06-02-2018
Prv

S. V. BHATT, J



