

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.1018 of 2017

ORDER:

1 This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 28.10.2016 passed in I.A.No.360 of 2016 in O.S.No.1010 of 2013 on the file of the Court of the XIV Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar.

2 Heard the petitioner who appeared in person and the learned counsel for the respondent.

3 A perusal of the record reveals that the respondent herein filed suit O.S.No.1010 of 2013 on the file of the court of the XIV Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar against the petitioner for recovery of an amount of Rs.5,15,20,000/-. During the pendency of the suit, the petitioner filed I.A.No.360 of 2016 under Order VII rule 11 CPC requesting the court to reject the plaint on the ground that the receipt dated 22.11.2011 is not properly stamped. After affording reasonable opportunity to both parties, the trial Court dismissed the said petition. Hence the present Civil Revision Petition.

4 This Court carefully perused the affidavit filed by the petitioner before the trial Court, in support of the petition. In order to appreciate the contention of the petitioner, it is not out of place to extract para No.3 of the affidavit, which reads as follows:

“I submit that the contents of the receipt dt:22.11.2011 are: Received Rs.3,68,00,000/- (Three Crores Sixty Eight Lakhs) from Sri P. Tirupathi Reddy, S/o Madhava Reddy, Any receipt existing or other than this is not valid.”

5 The petitioner filed this petition on the ground that the receipt is not legally admissible. To appreciate the contention of the petitioner, it is not out of place to extract Order VII Rule 11 CPC, which reads as under:

Rejection of Plaint: - the plaint shall be rejected in the following cases:

- a) where it does not disclose a cause of action;
- b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;
- c) where the relief claimed is properly valued but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp paper within a time to be fixed by the Court, fails to do so;
- d) where the suit appears from the statement in the plaint to be barred by any law;
- e) where the plaintiff fails to comply with the provisions of Rule 9.

6 The plea taken by the petitioner will not fall within the ambit of any one of the clause enumerated under Order VII Rule 11 CPC. The contention raised by the petitioner falls outside the purview of Order VII Rule 11 CPC. The trial Court considered the scope of Order VII Rule 11 CPC with reference to the contention raised by the petitioner and dismissed the petition. The trial Court has assigned reasons much less cogent and valid reasons while dismissing the petition. I am fully endorsing the findings recorded by the trial Court. There is no illegality or irregularity or impropriety in the orders passed by the trial Court warranting interference of this court while exercising jurisdiction under Article 227 of the Constitution of India.

7 The Civil Revision Petition is devoid of merit and is accordingly dismissed. No order as to costs. The Registry is directed to return the record to the trial Court.

8 As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

T. SUNIL CHOWDARY, J.

Dt: 11.07.2018

Kvsn

