

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.2039 of 2018

ORDER:

Heard Sri Vladimeer Khatoon, learned counsel for the revision petitioner.

The present Civil Revision Petition is filed aggrieved by the order, dated 30.08.2017, in I.A.No.1129 of 2016 in O.S.No.1298 of 2011 on the file of the I Senior Civil Judge, FAC XVII Additional Senior Civil Judge, City Civil Court, Hyderabad, whereby and whereunder, the application under Order VII Rule 11 (d) read with Section 151 of the Code of Civil Procedure (C.P.C) to reject the suit in O.S.No.1298 of 2011, was dismissed.

Learned counsel for the revision petitioner would submit that there has been material on record to show that the respondent - plaintiff is a moneylender and doing money lending business without possessing valid licence and, therefore, on that ground, at the stage when the trial was already commenced, the aforesaid I.A was filed, but the Court below, overlooking the admission made by the plaintiff, arbitrarily rejected the application. That has been the main ground agitated by the learned counsel for the revision petitioner.

A perusal of paragraph '2(b)' of the order under revision would show that the respondent – plaintiff resisted the plea put forth by the petitioner – defendant stating that he is not a moneylender so as to obtain any licence as required under law. When such has been the categorical denial in the counter filed by the respondent - plaintiff, certainly, it is a

matter to be decided at the final stage, but not when the trial has already commenced. Therefore, there is no merit in the present revision.

Hence, the Civil Revision Petition is disposed of at the admission stage, leaving it open to the petitioner – defendant to tender arguments on this aspect of the case at the final stage of the suit proceedings. In case an issue is not settled for trial in regard to whether the plaintiff is a moneylender and possesses valid money lending licence, it is open to the Court below to frame such an issue, by acting as per the mandate of the provisions of Order XIV of C.P.C.

Miscellaneous Petitions, if any, pending in the present revision, stand closed. No order as to costs.

02.04.2018

v v

A. SHANKAR NARAYANA, J

