

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
CIVIL REVISION PETITION No.2526 of 2018

ORDER:

This revision is filed against the order dated 01-03-2018 passed in I.A.No.1226 of 2017 in O.S.No.48 of 2017, wherein and whereby, the petitioners application filed under Order VII Rule 11 and Section 151 C.P.C. to reject the plaint, was dismissed.

Learned counsel for the petitioners says that there is no cause of action for the respondent to file the suit and the Court below has no jurisdiction to entertain the same and though such pleas are raised by the petitioners, without considering the same the Court below dismissed the application.

In this case it is to be seen that the Court below found that the plaint averments are false according to the version of the defendants. Whether the plea of the petitioners is true or false cannot be looked into in an application filed under Order VII Rule 11 C.P.C. as rightly observed by the Court below. Regarding jurisdiction, the Court below found that the cause of action arose within the jurisdiction of the Court as stated by the plaintiff and no exception can be taken. The Court below also found that while considering the application under Order VII Rule 11 the averments made in the plaint alone have to be taken into consideration and not the averments made in the written statement. As such, the observations made by the Court below are in accordance with law and reasoning given by the Court below for dismissal of the application cannot be

found fault with and no infirmity is brought to my notice warranting interference of this Court. The petitioner has not made out a case for rejection of the plaint as envisaged under Order VII Rule 11 of C.P.C.

In view of the above facts and circumstances, I do not find any merit in the revision.

Accordingly, the revision is dismissed. However, all the pleas raised by the petitioners are to be considered by the Court below during the course of trial. As a sequel to the disposal of this revision miscellaneous petitions, if any, pending shall stand closed.

08-06-2018
Nvl

A.RAJASHEKER REDDY,J





