

SMT JUSTICE T.RAJANI

CIVIL REVISION PETITION No.5477 OF 2018

ORDER:

1. This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the Petitioner – Plaintiff, seeking to set-aside the docket order, dated 07.09.2018, in G.R. No.949 of 2018 in O.S. No.Nil of 2018, passed by the learned Junior Civil Judge, Kotabommali, Srikakulam District.

2. Heard the learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that the petitioner filed a suit before the Junior Civil Judge's Court, Kotabommali, and the same was returned with a direction to present the suit before the appropriate Court. Thereafter, the suit was filed before the Senior Civil Judge, Srikakulam. But, the learned Senior Civil Judge also returned the suit on the point of jurisdiction, in view of Section 50 of the A.P. Court Fee and Suit Valuation Act, 1956. Subsequently, the petitioner made a representation. But, the learned Senior Civil Judge again returned the suit stating that, as per Section 16 of the Civil Procedure Code, the Suit is to be instituted where subject-matter of pecuniary or other limitations prescribed by law situate.

4. It seems that the petitioner, thereafter, did not make any representation on the return endorsement and directly approached this Court. Hence, this Court opines that the petitioner can satisfy the lower Court with regard to the objection taken and seek for the matter being called on the Bench. However, considering that much time has lapsed, the matter is remitted to the lower Court with a direction to hear the learned counsel for the petitioner – plaintiff, on the objection taken by the lower Court, and pass appropriate orders thereon. Further, the Registry is directed to return the original documents, if any, filed by the petitioner, under proper acknowledgment.

5. Accordingly, with the above direction, the Civil Revision Petition is disposed of at the stage of admission. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

T. RAJANI, J

Date: 26.10.2018.
Dsh



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Date. 26.10.2018

DSH