

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.6885 of 2017

ORDER:

Heard Mr.K.I.Ahmed for petitioner.

The plaintiff in un-numbered C.F.No.2069 of 2017 is the revision petitioner. The suit is filed for specific performance of agreement dated 20.02.1976. The Office of the Principal Junior Civil Judge's Court returned SR. The petitioner represented the SR. The learned trial Judge by referring to alleged discrepancy in the description of boundaries and the basis for such description in the plaint rejected C.F.No.2069 of 2017.

This Court is of the view that rejection of plaint is provided for under Order VII Rule 11 of C.P.C. and the grounds for rejection of plaint by a mere reading of Order VII Rule 11 do not cover a situation where a party fails to explain the basis for description of plaint schedule in a particular way. The learned trial Judge ought not have gone into this aspect of the matter at this stage and if he is not satisfied with the explanation given by the plaintiff, he merely returns the plaint for complying with the objections, but ought not to have rejected the plaint for the reasons stated in C.F.No.2067 of 2017. The order impugned in the

Civil Revision Petition is set aside. The petitioner herein is given liberty to present the plaint by enclosing a copy of this order within two (02) weeks from the date of receipt of copy of this order and the trial Court examines and numbers the plaint, if it is otherwise in order.

Accordingly, Civil Revision Petition is allowed. No order as to costs.

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

Dt: 24.01.2018
dv



S. V. BHATT, J

