

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.673 of 2019

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.05-02-2018 in I.A.No.378 of 2015 in O.S.No.38 of 2015 of the Senior Civil Judge at Shadnagar refusing to reject the plaint filed by respondents at the instance of petitioners.

2. It is the principal contention of petitioners that the suit O.S.No.38 of 2015 filed by respondents against the petitioners is barred in view of the orders in C.R.P.No.464 of 2012 on 24-12-2013 passed under Section 91 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1955.

3. The trial Court rejected I.A.No.378 of 2015 on 05-02-2018 observing that the order in the C.R.P. itself was not placed before it, and in the absence of specific material made available to the Court to reject the plaint, it cannot reject the plaint. It also observed that petitioners did not mention in what way the suit of the respondents is barred by law.

4. In **Kamala and others Vs. K.T.Eshwara Sa and others**¹, the Supreme Court has held that for the purpose of invoking Order VII Rule 11(d) C.P.C., the averments in the plaint alone can be looked into along with the documents filed along with the plaint and the other

¹ (2008) 12 SCC 661

evidence or orders passed in other proceedings cannot be looked into and a plaint cannot be rejected by applying the principle of *res judicata*.

5. Therefore, the order in C.R.P.No.464 of 2012 being relied upon by petitioners herein being extraneous document for consideration for deciding the application under Order VII Rule 11(d) C.P.C., it cannot be looked into for considering I.A.No.378 of 2015.

6. Therefore, I do not find any merit in the Revision and it is accordingly dismissed.

7. Since the suit is of the year 2015, the Court below shall expedite disposal of the said suit. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 03-06-2019

Vsv