

**THE HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND**

THE HONOURABLE SRI JUSTICE P. KESHA RAO

C.C.C.A.No.206 of 2019

JUDGMENT: (Per the Hon'ble Sri Justice V. Ramasubramanian)

Heard learned Advocate General appearing for the appellants and Mr. Vedula Srinivas, learned counsel for respondents 1 to 3.

2. The main appeal arises out of the rejection of a plaint ordered by the Chief Judge, City Civil Court, Hyderabad, even before numbering the original suit. The rejection was primarily on the ground of limitation.

3. Apart from the question of limitation on which the trial Court refused to number the suit, the learned counsel appearing for respondents 1 to 3 also raised one more objection that the suit was not instituted by the State as required by Section 79 read with Order 27 Rule 1 of C.P.C.

4. Considering the above, the learned Advocate General seeks to withdraw the appeal with liberty to the Government to file a comprehensive suit.

5. Therefore, the appeal is dismissed as withdrawn with liberty to the State Government to file a comprehensive suit. It is made clear that any findings recorded on any issues in the impugned order of the trial Court rejecting the plaint, cannot per se be put against the

Government when a fresh suit is instituted by the Government, though it may be open to the respondents 1 to 3 to raise all issues independently in any fresh proceedings.

6. As a sequel thereto, miscellaneous petitions, if any pending in this appeal, shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

11th June, 2019

sj

P. KESHA RAO, J

