

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.1242 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, challenging the order, dated 17.04.2019, passed in IA(SR) No.1906 of 2019 in O.S.No.1045 of 2015, by the II Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, whereby, the application filed by the petitioner/plaintiff under Section 80(2) of C.P.C. seeking leave of the Court below to institute the suit against defendant No.9 (The Sub-Registrar, Vanasthalipuram SRO, Hyderabad) without serving notice under Section 80(1) of C.P.C., was returned, with an observation that the said petition is not maintainable and a fresh suit has to be filed.

2. Heard the learned counsel for the revision petitioner/plaintiff and perused the record.

3. It has been contended on behalf of the revision petitioner/plaintiff that the Court below ought not to have returned the fresh plaint, since it is filed under Section 26 and Order VII Rules 1 & 13 of C.P.C. and ultimately prayed to direct the Court below to receive the fresh plaint and register the same.

4. It is appropriate to state that the Court below had not dealt with the subject matter on judicial side. It has returned

the fresh plaint exercising its power on administrative side. Under these circumstances, the revision petitioner/plaintiff is directed to represent the fresh plaint before the Court below within a period of seven (07) days from today. On such representation of the fresh plaint, the Court below shall fix a date and hear the revision petitioner/plaintiff and pass appropriate order.

5. With the above observation/direction, this Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

22nd October, 2019

Note:

Furnish C.C. by 23.10.2019.

(B/O)

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