

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1366 of 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.6 aggrieved by the order dated 25.03.2019 in I.A.No.45 of 2019 in O.S.No.1889 of 2018 on the file of the II Additional Senior Civil Judge, Ranga Reddy District.

2. Heard the learned counsel for the petitioner and perused the record.

3. Learned counsel for the revision petitioner/defendant No.6 would contend that the petitioner was in USA and attending his job on the alleged date of cause of action. There are entries in the passport and other evidence is also available. Without there being cause of action, the 1st respondent/plaintiff proceeded against the petitioner and also contended that the impugned order is erroneous and ultimately, prayed to set aside the same.

4. The 1st respondent/plaintiff filed the said suit seeking perpetual injunction. Pending the suit, the petitioner filed the above said I.A. to reject the plaint on the ground that there is no cause of action to file the suit. While dealing with the said I.A., the Court below had gone through the averments of the plaint and held that there is cause of action to proceed with the suit and that the presence or absence of the petitioner is required to be adjudicated after full-fledged trial.

5. It is appropriate to state that the Court below has to go into the averments of the plaint before taking cognizance of filing of the suit and proceeding with. It need not examine the material documents filed on behalf of the revision petitioner.

6. Under these circumstances, there is no infirmity or illegality in the impugned order warranting interference by this Court. The revision petition is devoid of any merit and it is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Date: 28.08.2019
ssp

Dr. SHAMEEM AKTHER, J

