

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2280 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners/defendants, aggrieved by the order dated 20.08.2018 passed in I.A.No.424 of 2018 in O.S.No.71 of 2018 by the Additional Senior Civil Judge, Karimnagar.

2. Heard the learned counsel for the revision petitioners and perused the record.

3. Learned counsel for the revision petitioners would contend that the suit for declaration of title and perpetual injunction is barred by limitation. However, the Court below did not appreciate the said fact and erroneously dismissed the application for rejection of plaint under Order VII Rule 11(d) read with Section 151 of CPC and ultimately prayed to set aside the impugned order and allow the application as prayed for.

4. It is evident from the record that the Court below had made an observation that the pleadings made in the application were not clear and untenable. There is no specific mention as to how the suit is barred by limitation under Municipal Law. It is urged before this Court that conversion of land is not challenged. Therefore, the suit is not maintainable. It is relevant to state that the suit was filed for declaration of title and perpetual injunction. There is disclosure of alleged illegal encroachment and denial of title of the respondents/plaintiffs. Under these circumstances, it cannot be said that the suit is barred by limitation. The contentions raised before this Court are unsustainable. However, it is also relevant to state that the Court below had elaborately dealt with the contentions and answered

the same by assigning the reasons. The Court below did not commit any error and rightly exercised its jurisdiction vested in passing the impugned order. The revision petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed at the admission stage. No order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 26.09.2019
ssp

