

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3480 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant, challenging the order, dated 17.04.2018, passed in I.A.No.425 of 2018 in O.S.No.1185 of 2017, on the file of the XV Additional District Judge, Ranga Reddy District at Kukatpally, whereby, the petition filed by the petitioner/defendant under Order VII Rule 11 (a) & (d) of C.P.C. seeking to reject the plaint submitted by the respondent/plaintiff, was dismissed.

2. Heard the learned counsel for both the sides and perused the record.

3. The learned counsel for the petitioner/defendant would contend that the respondent/plaintiff is harping upon a registered document, which is not valid, since his vendor had no valid registered sale deed. Further, the respondent/plaintiff is not in possession of the suit schedule property. Furthermore, the document sought to be cancelled is of the year 2012, i.e., registered document No.9713/2012, dated 23.08.2012. The suit is also not within the period of limitation and ultimately prayed to set aside the order under challenge and reject the plaint of the respondent/plaintiff.

4. Whether the respondent/plaintiff has title and possession of the suit schedule property or not is required to

be determined after due trial of the suit. Further, the limitation set up beyond the period of three years from the date of registered document is also a question of fact, which also requires to be determined after recording the evidence. All the contentions raised before the Court below as well as before this Court are required to be determined after due trial of the suit. Under these circumstances, it can be safely concluded that the Court below did not commit any irregularity or failed to exercise the jurisdiction vested in it, in passing the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

09<sup>th</sup> September, 2019  
Bvv

Dr. SHAMEEM AKTHER, J