

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2493 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order dated 11.09.2019 passed in I.A.No.689 of 2018 in O.S.No.396 of 2014 by the III Senior Civil Judge, City Civil Court, Secunderabad, wherein the application filed by the revision petitioner to return the plaint, was dismissed.

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

3. Learned counsel for the revision petitioner would contend that there was earlier round of litigation in O.S.No.496 of 1997 filed by the plaintiff before the Principal Senior Civil Judge's Court at L.B. Nagar for declaration of title in respect of the subject property. It is also contended that the subject suit property is within the territorial jurisdiction of the Senior Civil Judge's Court at Ranga Reddy. The property in question is not situated at Begumpet, Secunderabad. So the Court below ought to have returned the plaint for want of jurisdiction to present the same before proper Court. Without adverting to the same, an erroneous order is passed and ultimately prayed to set aside the impugned order and allow the application as prayed for.

4. The plaint averments reveal that the plaint schedule property is situated within the territorial jurisdiction of Secunderabad Court. Further, in the plaint schedule, it is specifically mentioned that the suit schedule property is situated at door No.1-8-449/4/1, plot No.33,

Vikaranagar minority colony, Patigadda, Begumpet, Secunderabad. The place of rental agreement in question was also entered at suit premises. The criteria to entertain the suit are the plaint averments. When there is a dispute with regard to the location of the suit schedule property that needs to be decided in the course of trial, since the plaint discloses that the suit schedule property is situated at Secunderabad. Therefore, it is difficult to hold that the Senior Civil Judge's Court, Secunderabad, where the subject suit is pending has no jurisdiction. The Court below had appreciated all these facts and circumstances and was justified in dismissing the application. The revision petition is devoid of merit and is liable to be dismissed.

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

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

No costs.

Date: 30.10.2019
ssp

Dr. SHAMEEM AKTHER, J