

HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2574 of 2019

ORDER:

This revision is filed under Article 227 of the Constitution of India aggrieved by the docket order, dated 31.10.2019, passed in OS.SR.No.296 of 2019 by the Senior Civil Judge, Shadnagar, Ranga Reddy District, wherein the suit filed for declaration of title, possession and cancellation of registered sale deed, was returned on the ground that the suit is not maintainable. The Court below has taken the objection that the plaintiff, being co-owner, ought to have filed a suit for partition and he is only entitled to file a suit for partition and consequential remedies relating thereto.

2. Heard Sri P. Venu Gopal, learned senior counsel appearing for Sri D.V.S. Sita Rama Raju, learned counsel for the petitioners and perused the record.

3. Learned senior counsel would submit that the filing of the subject suit is not barred by any statute and a co-owner is certainly entitled to file a suit of this nature.

4. Under these circumstances, it is not appropriate to determine the maintainability of the suit and it is required to be determined after the suit is numbered and notice is ordered to the other side.

5. Therefore, the impugned order dated 31.10.2019 is set aside and the Court below is directed to number the suit, if it is otherwise in order and thereafter, after due notice to other side, deal with the maintainability of the suit in accordance with law.

6. Accordingly, this Civil Revision Petition is allowed. No costs.

Miscellaneous petitions, if any, shall stand closed.

---

Dr. SHAMEEM AKTHER, J

Date: 08.11.2019

Ska

Note: Registry is directed to return the material papers to the petitioners under proper acknowledgment.

