

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2810 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant, challenging the order, dated 30.09.2019, passed in I.A.No.579 of 2019 in O.S.No.151 of 2018, by the I Additional Chief Judge, City Civil Court, Secunderabad, whereby, the petition filed by the petitioner/defendant under Order VII Rule 11 read with Section 151 of CPC to reject the plaint submitted by the respondent/plaintiff on the ground of lack of cause of action, was dismissed.

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

3. The learned counsel for the revision petitioner/defendant would contend that the subject suit schedule property is in the name of the mother of the revision petitioner/defendant. The respondent/plaintiff has no title to the suit schedule property. There is no cause of action to file the subject suit in O.S.No.151 of 2018 before the Court below. Since there is no cause of action to file the subject suit, the Court below ought to have allowed the subject interlocutory application and rejected the plaint and ultimately prayed to set aside the

impugned order and allow the Civil Revision Petition as prayed for.

4. On the other hand, the learned counsel for the respondent/plaintiff would contend that the respondent/plaintiff is an ex-employee of Indian Airlines. He purchased the suit schedule property under a registered sale deed. Thereafter, under certain circumstances, the revision petitioner/defendant, who is his daughter, was allowed to reside in the suit schedule property. After due notice, her licence was terminated and the subject suit for ejectment and recovery of possession was filed before the Court below. The cause of action is a bundle of allegations. The plaint submitted by the respondent/plaintiff discloses the same. The Court below, after analysing the submissions made by both the sides and the entire material on record, rightly dismissed the subject interlocutory application and ultimately prayed to sustain the impugned order and dismiss the Civil Revision Petition.

5. As rightly contended by the learned counsel for the respondent/plaintiff, the cause of action is a bundle of facts leading to filing of a suit. The submissions made on behalf of the respondent/plaintiff cannot be brushed aside at this stage. The nature of dispute and the entitlement of the parties in the subject suit are required to be

determined by the Court below, after due trial. The Court below, having analysed the submissions made by both the sides, held that there is no valid ground to reject the plaint submitted by the respondent/plaintiff. There is nothing to take a different view. There is no legal infirmity or perversity in the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

6. 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 closed.

Dr. SHAMEEM AKTHER, J

18th December, 2019
Bvv