

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHAHA RAO

CIVIL REVISION PETITION NO.7122 OF 2018

ORDER: (per SK,J)

This civil revision petition under Article 227 of the Constitution was preferred by the plaintiff in C.O.S.S.R.No.483 of 2018 on the file of the learned Judge, Commercial Court-cum-XXIV Additional Chief Judge, City Civil Court, Hyderabad, aggrieved by the rejection of the plaint under Order 7 Rule 11 CPC.

2. We are of the opinion that the rejection order qualifies as a 'decree' in terms of the definition of 'decree' under Section 2(2) CPC. Further, as pointed out by the Supreme Court in RISHABH CHAND JAIN V/ s. GINESH CHANDRA JAIN¹, such an order is appealable under Section 96 read with Order 41 CPC and would not be amenable to revisionary jurisdiction.

3. Though the aforestated judgment related to exercise of revisionary power under Section 115 CPC, we are of the opinion that the same principle would ordinarily apply even to exercise of revisionary power under Article 227 of the Constitution. No exceptional circumstances are made out in the case on hand for deviating from this norm.

4. The civil revision petition is accordingly dismissed on this short ground leaving it open to the petitioner to avail the effective alternative remedy provided to it in accordance with law.

5. Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

SANJAY KUMAR,J

P.KESHAHA RAO,J

Date:23.07.2019
GJ

¹ (2016) 6 SCC 675

