

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.7062 of 2018

ORDER :

Heard the counsel for petitioner.

2. The petitioner had presented an unregistered S.R.No.4048 of 2018 in un-registered O.S.No. of 2018 before the Principal District Judge, Nalgonda wherein he sought a decree for recovery of money on foreclosure of mortgage on 06.03.2017, though it is wrongfully mentioned in the plaint that he is seeking redemption of the mortgage.

3. The Court below, by order dt.08.10.2018, returned the plaint on the ground that memorandum of deposit of title deeds dt.06.03.2017 was executed at Hyderabad, and the plaint ought to have been presented before an appropriate jurisdictional Court at Hyderabad.

4. Having regard to the specific language in Section 16(c) of the Civil Procedure Code, 1908 that a suit for foreclosure, sale, or redemption of mortgage has to be instituted in the Court within the local limits of whose jurisdiction the property is situate, and since it is not disputed that the property in question is located in Nalgonda within the jurisdiction of the Principal District Judge, Nalgonda, the impugned order cannot be sustained.

5. Accordingly, the order dt.08.10.2018 passed in unregistered S.R.No.4048 of 2018 in un-registered O.S.No. of 2018 before the Principal District Judge, Nalgonda is set aside, and the said Court is

directed to number the suit and register it, provided all other formalities are complied with.

6. Accordingly, the Civil Revision Petition is allowed. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10.04.2019

**Note : Issue C.C. within one (01) week.
B/o.**

Ndr/*

