

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.72 OF 2020

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioner/plaintiff aggrieved by the order, dated 29.11.2019, passed in I.A.No.1253 of 2019 in O.S.No.557 of 2010 by the Principal Senior Civil Judge, Ranga Reddy District at L.B. Nagar, Hyderabad, wherein the subject Interlocutory Application filed by the revision petitioner/plaintiff seeking to decree the subject Suit in terms of Order XII Rule 6 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.'), was dismissed.

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

3. Learned counsel for the revision petitioner/plaintiff would submit that when the respondents/defendants admitted the averments in the plaint, particularly paragraph Nos.2 to 10, the Court below ought to have decreed the subject Suit. Instead of decreeing the subject Suit, the Court below dismissed the subject Interlocutory Application by passing the impugned order, which is erroneous and ultimately, prayed to set aside the impugned order.

4. As per the material placed on record, the respondents/defendants have resisted the subject Suit stating that as per the verification made by the Mandal Surveyor along with the police and the records, the suit schedule property covered by plot No.73, in Survey Nos.74 and 75, said to have situated at Madhapur Village,

Serilingampally Revenue Mandal and Municipality, Ranga Reddy District, does not exist. That is the sum and substance of the defence of the respondents/defendants. In such an event, the subject Suit has to go for trial to determine the entitlement of the revision petitioner/plaintiff for perpetual injunction in respect of the suit schedule property against the respondents/defendants. Therefore, the revision petitioner/plaintiff is not entitled for a decree in terms of Order XII Rule 6 C.P.C. The Court below is justified in passing a reasoned order. There is no legal infirmity to vary the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

January 10, 2020.
MD

Dr. SHAMEEM AKTHER, J