

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2129 OF 2019

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendant Nos.10 to 12 aggrieved by the order dated 30.10.2018 passed in I.A.No.368 of 2017 in O.S.No.111 of 2017 by the V Additional District Judge at Bhongir, whereby the application filed by the revision petitioners/defendant Nos.10 to 12 under Order VII Rule 11(a)(d) of CPC to reject the plaint of the respondents/plaintiffs was dismissed.

2. Heard learned counsel for the revision petitioners and perused the record.

3. Learned counsel for the revision petitioners/defendant Nos.10 to 12 would contend that there are admissions of the plaintiffs in the earlier suit in O.S.No.119 of 2013. In view of that there is no cause of action in the subject Suit. It is also contended that the Court below erroneously dismissed the subject Interlocutory Application and ultimately prayed to allow the civil revision petition as prayed for.

4. The pleadings made in the plaint in support of the subject suit disclose the cause of action. Having analysed the material on record, the Court below held that the suit proceedings may go on. The question raised with regard to the limitation was adjudged by the Court below stating that it is a mixed question of fact and law and it requires adjudication after full fledged trial. There is no illegality in the impugned order. The revision petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 09.01.2020
ssp

