

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3058 OF 2024

Civil Revision Petition filed under Article 227 of the Constitution of India, aggrieved by the Order dated.08.08.2024, passed in IA No.710 of 2022 in O.S.No.300 of 2019, on the file of the VI Additional District and Sessions Judge, Ranga Reddy District, at Kukatpally.

Between:

Mrs. Patlolla Sujitha, W/o. P. Rama Chandra Reddy, aged about 49 years,
Occ: Housewife, R/o. H. No. 16-2-738/F/5, Asmangadh, Malakpet, Hyderabad -
500 036

...PETITIONER/PETITIONER/DEFENDANT NO.1

AND

1. Mrs. Nisha Srivatsava, W/o. S.K. Srivatsava (Aged about 72 years,
Occ: Housewife, R/o. C-202, Rohats Apartments, Vikas Nagar, Lucknow,
Uttar Pradesh - 226 022. **RESPONDENT/RESPONDENT NO.1/PLaintiff**
2. B.Hanumantha Reddy, S/o. B. Buchi Reddy, f- Aged about 40 years,
C/o. Sai Developers, Plot No 681, Swamy Ayyappa Co-op Housing Society,
Madhapur, Hyderabad - 500 081
3. D. Usha Rani, W/o. Late D. Srinivas, Occ: Housewife, R/o H.No.15-24-461/102,
MIG Quarters, 1st Phase, KPHB Colony, Hyderabad

...RESPONDENTS/RESPONDENTS NO.2 & 3/DEFENDANTS NO. 2 & 3)

(Respondents No. 2 & 3 are not necessary parties to this petition)

IA NO: 1 OF 2024

Petition under Section 151 of C.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in OS No.300 of 2019, on the file the VI Additional District and Sessions Judge, Ranga Roddy District, at Kukatpally.

Counsel for the Petitioner :SRI. DIDA VIJAYA KUMAR

Counsel for the Respondents :NONE APPEARED

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
Civil Revision Petition No.3058 of 2024

ORDER:

Heard Mr.D.Vijaya Kumar, learned counsel for the petitioner. Perused the material available on record.

2. The instant Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India challenging the order dated 08.08.2024 passed in I.A.No.710 of 2022 in O.S.No.300 of 2019 by the VI Additional District & Sessions Judge, Ranga Reddy District, at Kukatpally (for short the trial court).

3. Vide the impugned order, the learned trial court has rejected the I.A. filed by the petitioner under Order 7 Rule 11 of C.P.C. seeking rejection of the plaint.

4. The objection raised in the Order 7 Rule 11 was that of the suit being barred by limitation and also plaint not reflecting the any clear cause of action.

5. However, perusal of the impugned order it will reveal that the trial court after due consideration of the facts and circumstances of the case having relying upon the decision of the Hon'ble Supreme Court wherein it has been emphatically

held by the Hon'ble Supreme Court the question of limitation is a mixed question of law and facts and therefore the question of limitation can be decided only after the evidence is adduced by both the parties. So far as the plaint not reflecting any specific cause of action, the court was again of the view that the plaint categorically reflects the cause of action which lead to the filing of the suit whether said cause of action is a genuine one and whether the cause of action did arose which lead to the filing of the suit again is question of fact and law which need to be decided by the trial after evidence is adduce.

6. Though the decision rendered by the Dahiben v. Arvindhai Kalyanji Bhanusali (2020 7 SCC 366), it would clearly reflect that the said decision rendered by the Hon'ble Supreme Court were under an entirely different contextual background as compared to the facts of the present case. The said judgment relied by the petitioner as such cannot be applied with in a straight jacket manner in the present facts of the case where there is a specific limitation and cause of action pleaded in the plaint.

7. In view of the same, this Court does not find any strong case made out by the petitioner calling for the interference to the

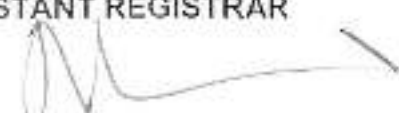
impugned order and the instant Civil Revision Petition stands dismissed.

8. Nonetheless, these two objections which the petitioner has raised has to be taken as an issue while the matter is finally decided and answered accordingly.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Court of VI Additional District & Sessions Judge, Ranga Reddy District at Kukatpally.
2. One CC to SRI DIDA VIJAYA KUMAR, Advocate [OPUC]
3. Two CD Copies

Psd/DI.



HIGH COURT

DATED:14/11/2024



ORDER

CRP.No.3058 of 2024

DISMISSING THE CIVIL REVISION PETITION

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