

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.No.1209 of 2020

ORDER

This civil revision petition is filed against the order dated 01.10.2020 passed in S.R.No.1725 of 2020 by the learned Principal Junior Civil Judge, Medchal, Ranga Reddy District, rejecting the suit filed by petitioner for perpetual injunction restraining the defendants and their men from interfering with the peaceful possession and enjoyment over the suit schedule property.

2. Learned counsel for the petitioner submits that even before numbering the suit, the Court below went into the merits of the matter and rejected the plaint. He further submits that the plaint can only be rejected under Order VII Rule 11 CPC, but the Court below without quoting the said provision and without giving any opportunity of hearing to petitioner rejected the plaint. He also submits that on earlier occasion, this Court in C.R.P.No.1118 of 2020 dated 04.11.2020, has set aside similar order of rejection of plaint passed by the same Presiding Officer. Thus, he prays to allow the revision setting aside the order impugned.

3. A perusal of the material on record goes to show that this Court in C.R.P.No.1118 of 2020 dated 04.11.2020, has set aside the order of rejection of plaint dated 01.10.2020 in S.R.No.1724 of 2020 passed by the same Presiding Officer. While allowing the said revision, this Court observed that even before numbering the suit and without giving any opportunity to petitioner therein, the Court below recorded such adverse findings and passed the order without application of mind. Even the impugned order goes to show that

before numbering the suit, the Court below has gone into the merits of the matter without giving any opportunity to petitioner and rejected the plaint without quoting any provision of law.

4. In view of the above and for the reasons alike in C.R.P.No.1118 of 2020 dated 04.11.2020, this Civil Revision Petition is allowed, setting aside the order impugned, and the matter is remitted back to the Court below to number the suit, if the same is otherwise in order, and proceed in accordance with law. No order as to costs.

5. Registry is directed to take steps for sending the Presiding Officer of the Court below for training before the Telangana Judicial Academy, Hyderabad. The concerned District Judge is also directed to call for explanation from the concerned Officer.

6. Miscellaneous petitions, if any, pending in this revision shall stand closed.

A.RAJASHEKER REDDY, J

2nd December, 2020

sj