

C.R.P.No.600/2006

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF DECEMBER 2006

BEFORE

THE HON'BLE MR.JUSTICE H.G.RAMESH

Civil Revision Petition No.600/2006

BETWEEN:

Sri Hanumaiah,
S/o late Sri Thimmaiah,
Aged about 58 years,
No.14, Muncipal No.13,
IV Main Road,
New Tharagupet,
Bangalore.

..PETITIONER

(By Sri H.Menjanath, Advocate.)

AND:

Sri Parish Priest,
Reptd. By Rev Fr Maria Selvan,
St Joseph's Church,
Fr Briand Square,
Bangalore - 560 002.

..RESPONDENT

(By Sri S.Kanagarajan, Advocate.)

This Civil Revision Petition is filed under Section 18(1) of the Small Cause Courts Act against the order dated 29.08.2006 passed on I.A.II in S.C.No.15441/2005 on the file of the XV Addl. Small Causes Judge, Mayo Hall unit, Bangalore (SCCH.No.19), rejecting I.A.II filed under Order VII Rule 11(d) of C.P.C. read with Section 8 of the Karnataka Small Cause Courts Act to reject the plaint.

This petition coming on for hearing on I.A. this day, the Court made the following:

ORDER

This is a defendant's revision petition against an interlocutory order dated 29.08.2006 passed in the suit in S.C.No.15441/2005. The suit is for ejection of the petitioner.

2. I have heard the learned counsel appearing for the parties on the merits of the revision petition.

3. By the impugned order, the trial Court has allowed I.A.No.3 and has permitted the respondent - plaintiff to delete the relief at para 7(b) of the plaint, which is permissible under Order 2 Rule 2 of the Code of Civil Procedure. Consequently, it has rejected I.A.No.2 filed by the petitioner to reject the plaint. In my opinion, the impugned order does not suffer from any legal infirmity to warrant interference under the revisional jurisdiction of this Court. Accordingly, the revision petition fails and is hereby dismissed.

Sd/-
Judge

Sh/-