



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3333]**

FRIDAY, THE FIFTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SMT JUSTICE V.SUJATHA**

**CIVIL REVISION PETITION NO: 1/2023**

**Between:**

1.KOLLI SITARATNAM, W/O. GOVINDU NAIDU, HINDU, FEMALE,  
AGED 65 YEARS, HOUSEWIFE, R/O. D.NO. 7-25-9, MAHALAKSHMI  
NAGAR, TADEPALLIGUDEM, WEST GODAVARI DISTRICT.

**...PETITIONER**

**AND**

1.POTHAMSETTI RAMALAKSHMI, W/o. late.. Rambabu, Hindu, Aged  
57 years, Female, Housewife, R/o. D.No.13-1-55/4, Ramachandra Rao  
peta, 24th ward, Perabattula Bangarayya Street, Tadepalligudem,  
West Godavari District.

**...RESPONDENT**

Petition under Article 227 of the Constitution of India,praying that in the  
circumstances stated in the grounds filed herein,the High Court may be  
pleased to aggrieve by the Order Dt.07.12.2022 in S.R.No.5516/2022 in OS  
No. /2022 on the file of Senior Civil Judge, Tadepalligudem of West Godavari  
District, the above named petitioner begs to prefer this memorandum of Civil  
Revision Petition

**Counsel for the Petitioner:**

1.MANGENA SREE RAMA RAO

**Counsel for the Respondent:**

1.V SATYANARAYANA NEKKANTI

**The Court made the following:**

**ORDER:**

The petitioner/plaintiff filed the present Civil Revision Petition challenging the order dated 07.12.2022 in S.R.No.5516 of 2022 in O.S.No.Nil/2022 on the file of the learned Senior Civil Judge, Tadepalligudem, West Godavari District.

2. The petitioner/plaintiff filed a suit for declaration of title over the suit schedule property by virtue of a registered gift deed dated 15.07.2006 under registered Document No.3611 of 2006, S.R.O., Tadepaligudem, seeking to declare Document No.1961 of 2021 dated 07.02.2021 as null and void.

3. The grievance of the petitioner is that, though the petitioner has explained the cause of action for filing the said suit, the Court below, even without considering the same or assigning any reasons, has passed the impugned order dated 07.12.2022, simply stating as follows:

“Heard. In view of the pleadings of the plaintiff, no cause of action emanated. Hence, this Court cannot taken on file.”

4. Challenging the said order, the present revision is preferred on the ground that the order is not a reasoned one and that the Court below failed to take into consideration the cause of action explained by the petitioner for filing the said suit.

5. Heard Mr.Mangena Sree Rama Rao, learned counsel for the petitioner and Mr.V.Satyanarayana Nekkanti, learned counsel for the respondent.

6. Learned counsel for the respondent contended that an application against an order passed under Order VII, Rule 11 CPC, rejecting a plaint, must be preferred by way of appeal and not by revision.

7. For better appreciation Order VII Rule 11 CPC, reads as under:

11. Rejection of plaint.— The plaint shall be rejected in the following cases:—

(a) where it does not disclose a cause of action;

(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law; 1

(e) where it is not filed in duplicate;

(f) where the plaintiff fails to comply with the provisions of rule 9: Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.

8. Learned counsel for the petitioner has stated that there is no decree has been passed by the Court below so as to prefer an appeal, as the definition of 'decree' reads as under:

"decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within section 144, but shall not include—

(a) any adjudication from which an appeal lies as an appeal from an order, or (b) any order of dismissal for default.

Explanation.—A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final;

9. Admittedly, in the present case, the Court below failed to consider the contents explained by the petitioner regarding the cause of action and, without assigning any reasons, rejected the plaint by passing one sentence order.

10. In view of the same, the Civil Revision Petition is allowed by setting aside the impugned order dated 07.12.2022 in S.R.No.5516 of 2022 in O.S.No.Nil/2022 on the file of the learned Senior Civil Judge, Tadepalligudem, West Godavari District. However, the matter is remitted back to the Court below for passing appropriate reasoned order in accordance with the observations made by this Court. No costs.

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

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**JUSTICE V.SUJATHA**

Date: 05.12.2025  
KGR