

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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CIVIL REVISION PETITION No.2592 of 2015

ORDER:

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This civil revision petition under Article 227 of the Constitution of India is directed against the docket order dated 27.03.2015 of the learned Senior Civil Judge, Sattupalli, Khammam passed in OS.No.28 of 2004.

2. I have heard the submissions of the learned counsel for the revision petitioner/plaintiff. I have perused the material record.

3. The order assailed reads as follows:

'There is no stay. The defendant R. Venkateshwarlu lodged a complaint. The Before the Hon'ble High Court ordered for notice

R. Venkateshwarlu, Defendant No.4 is for appearance defendant on 25.03.2015 as shown cause title listed item No.161 Page No.45. The Hon'ble High Court in CRP.No.3787/2011 in IA.419/2011 pending. This Court the cross examination defendant in OS.28 of 2004 call on 27.03.2015 call on 15.04.2015 and call on 03.07.2015 and final chance.'

(Reproduced verbatim)

The above order only discloses that there is no stay granted by this Court in CRP.No.3787 of 2011 pending before this Court and that, therefore, the trial Court had adjourned the suit for cross examination of the defendant to 27.03.2015; and, from that date to 15.04.2015; and, from that date to 03.07.2015 by giving a final chance. What happened on 03.07.2015 is not contained in the docket order, which is assailed in this revision. The law is well settled that unless a person is prejudicially or adversely affected by the decree or an order, he cannot file an appeal or revision as a person aggrieved. A reading of the docket order shows that no adverse order is passed against the revision petitioner/plaintiff. If any adverse order was passed on 03.07.2015 for not cross examining the defendant on that day which is fixed finally, the plaintiff ought to have challenged the order dated

03.07.2015 but, not the order, which is impugned in this revision. The order impugned by which a suit was adjourned for cross examination finally cannot be termed as an adverse order that can be assailed in a revision before this Court. Therefore, this Court finds that the revision is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

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

M. SEETHARAMA MURTI, J

22nd September, 2015
Vjl