

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.400 of 2015

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.02.07.2013 in I.A.No.69 of 2013 in O.S.No.27 of 2006 (for short, 'the impugned order') on the file of Senior Civil Judge, Avanigadda.

2. The petitioner herein is the 2nd defendant in the above suit.

3. The impugned order is an order setting aside the order dt.18.01.2012 under which the 1st respondent herein who was impleaded as 21st defendant and legal representative of the deceased-1st defendant in the suit, was set *ex parte*.

4. The 1st respondent herein filed I.A.No.69 of 2013 to set aside the said order setting him *ex parte* on 18.01.2012, by giving certain reasons. Although there was a delay of about a year in filing the said application, the court below considered the matter sympathetically and awarded costs of Rs.2000/- to the 2nd respondent/plaintiff payable by 1st respondent.

5. The 2nd respondent/plaintiff had not questioned

the said order although the suit was filed by him and the setting aside of the order dt.18.01.2012 primarily causes prejudice to him. Once he has acquiesced in the said order, it is not open to the petitioner to question the same.

6. Therefore, I do not find any merit in this Revision and it is accordingly dismissed. No order as to costs.

7. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 05.10.2015

Ndr/*