

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No. 923 OF 2015

Date : 20.3.2015

Between :

Mohammed Nazeer S/o late Mohammed Saheb
Aged about 57 years R/o H NO. 12/5/49
New State Bank Colony, Anantapuram A P

... Petitioner

and

Y Kullayamma W/o Y Nageshehudu
D No, 26/4/3155 Balajinagar, RPGT Road,
Hindupur, Anantapur district and others

... Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

The revision petitioner is defendant. This revision is filed questioning

the order dated 13.2.2015 dismissing the application filed under Order VII Rule 11 of Civil Procedure Code to reject the plaint in O.S. No. 1 of 2013.

On detailed consideration of the matter, the Court below rejected the application observing that defendant remained silent for all the time when the issues are framed by the Court, when trial commenced, when chief affidavits are filed and marked as Ex.A 1 to A.6 and took several adjournments for cross examination of P.W.1 and even paid costs but failed to cross examine the said witness and at that stage filed instant petition.

Heard the learned counsel for petitioner and perused the material on record. In matters of this nature, this Court does not sit in appeal over such decisions, unless there is patent error committed by Court below. I do not see any error much less patent error in the order of Court below, warranting interference by this Court. At this stage, learned counsel for petitioner submits that certain observations of the Court below made in para 9 have bearing on the defense of the petitioner in the suit. As seen from the order, the observations made in para 9 are made for the purpose of deciding the issue in Interlocutory Application. It is needless to observe that those observations do not come in the way of defense of the petitioner, to which he is otherwise entitled in the suit as a defendant.

Subject to above observations, the revision petition is dismissed.
No costs. Having regard to the same, miscellaneous petitions in the revision are closed.

P NAVEEN RAO,J

DATE:20.3.2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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