

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.6391 of 2012

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.11.12.2012 in I.A.No.4808 of 2010 in O.S.No.173 of 2010 on the file of the Chief Judge, City Civil Court, Hyderabad.

2. By an order dt.19.11.2012 in CRP.No.5290 of 2012, the petitioner herein was directed to furnish immovable property security within three (03) weeks. Although the said period ended on 10.12.2012, the security was furnished on 11.12.2012. On the ground that the security was not furnished within time, the Court below did not accept the third party security, and struck down the defence of defendant in O.S.No.173 of 2010.

3. Challenging the same, the present Revision is filed.

4. The counsel for petitioner contended that there was a one day delay in complying with the order passed in CRP.No.5290 of 2012; that the petitioner had filed CRP.MP.No.8504 of 2012 in that Civil Revision Petition seeking extension of time; although the said extension was not granted by the Court by the date the impugned order was passed by the Court below, it has since been

allowed and time was extended to-day. He therefore prayed that, in view of the extension of time granted in CRP.MP.No.8504 of 2012 in CRP.No.5290 of 2012 today, the impugned order herein striking off his defence, is also liable to be set aside.

5. This contention of the counsel for petitioner is not disputed by the counsel for respondent. Therefore, the Civil Revision Petition is allowed and the order dt.11.12.2012 in I.A.No.4808 of 2010 in O.S.No.173 of 2010 on the file of the Chief Judge, City Civil Court, Hyderabad is set aside; and the defence of petitioner is directed to be restored to the record. No order as to costs.

6. Having regard to the fact that the suit in question is of the year 2010, the Court below is directed to dispose of the said suit as expeditiously as possible preferably within a period of six (06) months from the date of receipt of a copy of this order.

7. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-09-2015

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