

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.1995 OF 2010

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the defendant in O.S.No.163 of 2009 aggrieved by the order, dated 26.03.2010, passed in I.A.No.721 (A) of 2009 in the said Suit by the learned Principal Junior Civil Judge, Tiruvuru.

The aforesaid Suit filed by the respondent – plaintiff for recovery of money was decreed *ex parte* on 21.11.2009. To set aside the same, the petitioner has filed the present application, under Order IX Rule 13 C.P.C., and the same was allowed by impugned order, dated 26.03.2010, on condition of petitioner depositing half of the decretal amount. Aggrieved by the imposition of such condition, the present revision petition is filed.

Though this Court, by order, dated 01.06.2010, while passing interim order in favour of the petitioner, which was in force for a period of six weeks, permitted the petitioner to serve personal notice on the respondent, the petitioner has not filed proof of service and the interim order was not extended.

When the matter is called, learned counsel for the petitioner requested to dispose of the revision petition with

a direction to the Court below to dispose of the Suit within a specific time.

In the absence of filing proof of service and in view of the request of the petitioner to dispose of the Suit itself, the learned Principal Junior Civil Judge, Tiruvuru, is directed to dispose of the Suit, if the petitioner has already complied with the condition imposed in the order, dated 26.03.2010, as expeditiously as possible preferably within a period of six months from the date of service of notice.

Subject to the above, the revision petition is disposed of. Miscellaneous Petitions, if any, pending in this revision petition shall stand closed. No costs.

R.SUBHASH

REDDY, J

27th January, 2015
MD