

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.824 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff No.4 aggrieved by the non-disposal of I.A.No.136 of 2014 in O.S.No.16 of 1999 by the learned VI Additional District Judge (FTC), Machilipatnam, Krishna District.

2. The petitioner, who is plaintiff No.4, along with others filed the aforesaid suit for recovery of possession of the plaint schedule property and for mesne profits. As the said suit was dismissed for non-prosecution on 16.6.2009 and as there was a delay in filing the restoration application, the petitioner along with other plaintiffs filed I.A.No.170 of 2009 to condone the delay of 18 days in presenting application vide I.A. (G.L.No.626 of 2009) under Order 9 Rule 9 r/w. Section 151 of C.P.C., to set aside the default order and to restore the suit. When the condone delay application in I.A.No.170 of 2009 was not disposed of, the petitioner approached this Court by way of filing C.R.P.No.3091 of 2013 and pursuant to the order dated 6.9.2013 passed by this Court in the said revision petition, I.A.No.170 of 2009 was disposed of condoning

the delay in filing application to restore the suit. As the Court below is not taking steps for expeditious disposal of I.A.No.136 of 2014 filed for restoration of the suit, the petitioner has filed the present civil revision petition.

3. Heard learned counsel for the petitioner and perused the material on record.

4. As the interlocutory application for restoration of the suit was numbered as early as in the year 2014, and further, as the suit is of the year 1999, there is no reason to keep the matter pending for such a long time.

Therefore, I deem it appropriate to dispose of the civil revision petition with a direction to the learned VI Additional District Judge (FTC), Machilipatnam, Krishna District, to dispose of I.A.No.136 of 2014 in O.S.No.16 of 1999 by serving notices to all necessary parties, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

5. Subject to the above direction, this civil revision petition is disposed of, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY

06.03.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

CIVIL REVISION PETITION No.824 of 2015

06.03.2015
Msr