

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.2471 of 2010

20.03.2015

Between:

Kosetti Gopal Raj and others

...Petitioners

And

Smt.Suruchi Chand

...Respondent

Counsel for the petitioners: Sri Kishore Rai

Counsel for respondent: Sri J.Krishna Dev,
for Sri Tarun G.Reddy

The Court made the following:

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ORDER:

This civil revision petition arises out of the order, dated 15.04.2010, in E.A.No.42 of 2010 in E.A.No.44 of 2007 in E.P.No.25 of 2005 on the file of learned Principal District Judge, Ranga Reddy District.

The respondent filed E.P.No.25 of 2005 for execution of an interim arbitration award. The petitioners have filed E.A.No.44 of 2007, which is in the nature of a claim petition. The respondent was set *ex parte* in the said claim petition. The respondent has, therefore, filed E.A.No.42 of 2010 for setting aside the *ex parte* order. The said E.A. was allowed by the lower Court by order, dated 15.04.2010. Aggrieved by the said order, the claim petitioners have filed this revision petition.

At the hearing, Sri Kishore Rai, learned counsel for the petitioners, submitted that before passing the order under revision, the lower Court has not given his clients an opportunity of filing a counter-affidavit.

In the facts and circumstances of the case, I am of the opinion that the lower Court has not committed any jurisdictional error in allowing the respondent to contest the claim petition on merits. Therefore, I do not find any reason to interfere with the order passed by the lower Court.

The Civil Revision Petition is accordingly dismissed, however, with the direction to the lower Court to dispose of E.A.No.44 of 2007 on merits, after hearing both sides, as expeditiously as possible.

As a sequel to dismissal of the Civil Revision Petition, interim order, dated 18.06.2010 is vacated and C.R.P.M.P.Nos.3313 of 2010 and 5372 of 2014 shall stand dismissed.

(C.V.NAGARJUNA REDDY, J)

20th March, 2015
GHN

