

**HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

**CIVIL REVISION PETITION No.341 OF 2015**

**ORDER:**

This Civil Revision Petition is filed against the order dated 31.12.2014 in I.A.No.682/2014 in O.S.No.250/2002 on the file of Principal Junior Civil Judge, Gudur, SPSR Nellore District wherein the trial Court allowed the suit filed under Section 151 Civil Procedure Code to reopen the suit to examine the attesor of settlement deed dated 14.02.1979.

Learned counsel for the petitioner submits that though the suit is filed way back in the year 2002 for permanent injunction, later it was amended as suit for declaration of title. Though the respondent/plaintiff was not diligent enough to examine the attesor of the settlement deed at the initial stage, he has filed the IA at the belated stage and the trial Court allowed the same. She also submits that though the affidavit filed in support of the IA before the Court below is vague, the trial Court allowed the same, without giving any reasons.

On the other hand, learned counsel for the respondent/plaintiff submits that the settlement deed was executed when the respondent/plaintiff was minor. As such, the trial Court exercised its discretion in allowing the application on payment of costs.

A perusal of the order passed in I.A.No.682 of 2014 shows that the trial Court exercised its discretion and allowed the petition by imposing costs. By way of this order, no substantial rights of the parties are decided and this Court is not inclined to interfere with the same by exercising its power under Section 227 of Constitution of India. However, the costs imposed by the lower Court is on the lower side. As such, the costs imposed by the Court below in I.A.No.682 of 2014 is modified and the respondent/plaintiff is directed to pay an amount of Rs.15,000/- to the petitioner/defendant.

Accordingly, the CRP is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**A.RAJASHEKER REDDY, J**

09.03.2015

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