

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.1183 of 2015

ORDER:

This revision petition is filed under Article 227 of the Constitution of India, challenging the order dated 02.03.2015 passed in I.A.No.106 of 2015 in A.S.No.38 of 2014 by the IV Additional District Judge, West Godavari District at Tanuku.

The said I.A. was filed by the respondent herein, who is the appellant in the above appeal, seeking an early hearing of the appeal on the ground of her age was 57 years old at the time when the application was filed, and also mentioning about some illness at paragraph No.5 of the affidavit filed along with the said I.A.

Although, the application was opposed, having regard to the plea taken by the respondent, the Court below allowed the appeal holding that as the petitioner is aged lady and came up with this petition requesting the court to hear the main appeal at an early date, it had decided to hear the appeal.

Challenging the same, this Revision is filed.

Heard Sri T.V.S. Prabhakar Rao, learned counsel for the petitioner and Sri P.S.P. Suresh Kumar, learned counsel for the respondent.

Learned counsel for the petitioner contended that the respondent is not a senior citizen as she is not aged above 60 years and that the Court below ought not to have decided to hear the appeal merely because the respondent asks for its hearing.

Learned counsel for the respondent, on the other hand, contended that the respondent is aged about 57 years and it is specifically contended at paragraph 5 of the affidavit filed before the Court below that the respondent is suffering from several age linked ailments besides serious psychiatric disorder and that the respondent was unable to derive

adequate income to meet her bare necessities.

At paragraph No.7 of the order passed by the Court below it is specifically mentioned that to substantiate the version of the respondent she had filed medical record to show that she has been suffering from several ailments. The age of the respondent is not disputed by the petitioner.

Having regard to the medical condition of the respondent and her age, I am of the opinion that the Court below was correct in deciding to hear the appeal by expediting it.

Accordingly the civil revision petition is dismissed. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

M.S. RAMACHANDRA RAO,J.

23rd June, 2015
Js.