

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.5166 of 2015

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Date: 27.11.2015

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Between:

Khaja Hussain, S/o Allabaksh, Aged 50 years,
Occu: Business, r/o. D.No.5/173, Gonegondla
Village, Kurnool District, Andhra Pradesh and
another.

..... Petitioners/respondents/
Plaintiffs

And

Mangamdoddi Sreeramulu, S/o Kambaiah, Aged 43 years,
Occu: Business, R/o Door No.19-4-269-A, Vinayakanagar,
Ananthapur, Ananthapur District, Andhra Pradesh.

.....Respondent/petitioner/
defendant

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This revision petition is filed questioning the docket order dated 16.11.2015 passed in I.A.No.598 of 2015 in I.A.No.321 of 2015 in O.S.No.153 of 2010 on the file of Senior Civil Judge, Gooty, Ananthapur District. By the said docket order, notice was

issued to the petitioners to appear and to make submissions on the I.A. Challenging the issuance of notice in the said I.A., this revision petition is filed.

2. Learned counsel for petitioners contends that since suit was already decreed and the interlocutory applications filed by the defendant to set aside the *ex parte* decree are yet to be considered, entertaining of I.A. and issuing of notice is *ex facie* illegal.

3. As seen from the docket order, which is assailed in this revision petition, only notice was issued to the petitioners herein on the application filed by the respondent herein. The trial Court has not considered the issue of maintainability of such application. The contentions urged by the petitioners herein can as well be urged before the Court below. Even before the objections are filed before the Court below and are considered by the trial Court, merely on the notice issued, this Court cannot sit in appeal and entertain the revision petition and stall the proceedings before the Court below. The claim of petitioners is premature.

4. Hence, this revision petition is dismissed. It is open to the petitioners to appear before the trial Court and raise all the objections as available in law on the next date of hearing.

Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

JUSTICE P. NAVEEN RAO

Date: 27.11.2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.5166 of 2015

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Date: 27.11.2015

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