

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITIN No.4007 of 2015

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ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, by the petitioner/1st defendant is directed against the orders dated 03.07.2015 of the learned XXV Additional Chief Judge, City Civil Court, Hyderabad allowing the I.A.No.390 of 2014 in O.S.No.413 of 2010 filed under Order IX Rule 9 read with Section 151 of Code of Civil Procedure, 1908 requesting to set aside the order dated 06.02.2014 dismissing the suit for default and restore the suit to file.

2. I have heard the submissions of learned counsel for the petitioner/1st defendant and the learned counsel for the 1st respondent/plaintiff. I have perused the material record.

3. A very reading of the order impugned shows that it is a cryptic order and that the trial Court had allowed the petition on the erroneous assumption that the petitioner is the defendant and that the petition is filed to set aside the *ex parte* order. Further, from a plain reading of the order it appears that the order is passed without proper verification of the facts, the pleadings of the parties and the purpose for which the petition is filed. In the said circumstances, the order impugned on the face of it is unsustainable and deserves to be set aside.

4. In the result, the Civil Revision Petition is allowed and the order impugned is set aside. I.A.No.390 of 2014 is remitted to the trial Court for fresh disposal on merits and in accordance with the procedure established by law after giving an opportunity to the contesting defendants to file counter/s.

There shall be no order as to costs.

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

JUSTICE M. SEETHARAMA MURTI

22nd APRIL, 2016
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THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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