

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.1235 of 2016

ORDER:

1. Heard the learned Counsel for the petitioner and the learned Counsel for the 1st respondent.

2. The 1st respondent herein filed O.S.No.173 of 2010 on the file of the Principal Senior Civil Judge, Ongole, seeking declaration of title and recovery of possession in respect of suit scheduled property. In the said suit, the 1st respondent herein, who is aged 80 years, filed I.A.No.1929 of 2015 seeking permission of the Court to represent her case through a General Power of Attorney. When an order was passed by the lower Court allowing the said application on 29.12.2015, this Civil Revision Petition was filed challenging the said order.

3. The application in I.A.No.1929 of 2015 was filed on 18.12.2015 and it was adjourned to 29.12.2015 for counter of the respondents/ defendants, but they could not file counter on that day because of their non-availability. In view of the same, the respondents/ defendants should have been given another opportunity to file their counter, but the lower Court passed the impugned order on 29.12.2015.

4. In the circumstances, the impugned order passed by the lower Court on 29.12.2015 in I.A.No.1929 of 2015 is set aside and an opportunity was given to the petitioner herein to file counter on or before 15-07-2016 and the lower Court shall consider the said counter and dispose of I.A.No.1929 of 2015 without being influenced by its earlier order or observations made herein.

5. The Civil Revision Petition is accordingly allowed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

24-06-2016

Note: Despatch the order within two days.

Gsn