

THE HON'BLE SRI JUSTICE RAJA ELANGO
CIVIL REVISION PETITION No.254 of 2016

ORDER:

The present civil revision petition, under Article 227 of the Constitution of India, is preferred by the petitioner, against the order, dated 03.12.2015, passed in I.A.No.578 of 2014 in I.A.No.441 of 2012 in O.S.No.13 of 2011, on the file of the Senior Civil Judge, Pithapuram, East Godavari District, whereunder and whereby, the trial Court dismissed the application filed by the petitioner, under Order IX Rule 9 and Section 151 CPC to set aside the default order, dated 19.03.2014, in I.A.No.441 of 2012 and permit the petitioner to deposit the suit costs and contest the matter.

The respondent herein filed the suit for recovery of money in O.S.No.13 of 2011. The said suit was set *ex parte* against the petitioner herein. Aggrieved over the same, the petitioner filed I.A.No.441 of 2012. Even though the said I.A. was allowed by the Court with a condition to deposit the suit costs, but the said petition was dismissed as the petitioner did not comply with the order passed by the Court in the said I.A.

Aggrieved over the same, again the petitioner filed I.A.No.578 of 2014 in I.A.No.441 of 2012 to set aside the default order, dated 19.03.2014 in I.A.No.441 of 2012 and permit the petitioner to deposit the suit costs and contest the matter. The trial Court dismissed the same since the petitioner has not complied with the order passed in I.A.No.441 of 2012.

The Court directed the petitioner to take notice on the respondent, but the same is returned as not served on the ground of insufficient address. Learned counsel for the petitioner submitted that he has mentioned the same address given in the suit in the notice and this Court also verified the suit address. The said address tallied with

the address mentioned in the suit. Further, the Court is of the view that any order passed in favour of the petitioner herein will not cause any prejudice to the respondent.

Hence, the Civil Revision Petition is disposed of with the following direction:

The petitioner herein is directed to deposit the amount ordered by the trial Court in I.A.No.441 of 2012 on or before 20.07.2016. On such deposit, the Court below is directed to restore the O.S.No.13 of 2011 and dispose of the same, in accordance with law.

Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.

RAJA ELANGO, J

June 08, 2016.

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