

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.440 OF 2016

ORDER:

This revision is filed under Article 227 of the Constitution of India questioning the inaction of the Principal Junior Civil Judge's Court, Nizamabad, in disposing of I.A.No.1083 of 2015 in O.S.No.197 of 2011 having dismissed the suit for default by order date 14.10.2015.

The petitioner is the plaintiff before the trial Court and he filed the suit for permanent injunction and the matter is being contested by the 1st defendant. On 14.10.2015, the suit was dismissed for default, as there was no representation. Immediately, the petitioner filed I.A.No.1083 of 2015 on 15.10.2015 itself under Order IX Rule 9 C.P.C. to restore the suit setting aside the order of dismissal for default.

It is the contention of the petitioner that on account of dismissal of the suit for injunction, the respondents herein are trying to dispossess him from the schedule property, which may lead to multiplicity of proceedings. The trial Court, despite reporting readiness by the petitioner to proceed with the hearing of the said I.A., is not taking up the matter.

Under Article 227 of the Constitution of India, this Court can exercise its power to keep the subordinate Courts within the limits. The power conferred on this Court is supervisory in nature and as the trial Court or the subordinate Court is not taking up the matter, by exercising the supervisory power, this Court can direct the trial Court to decide I.A.No.1083 of 2015 in O.S.No.197 of 2011 within a specified time.

Hence, by exercising power under Article 227 of the Constitution of India and as non-disposal of I.A.No.1083 of 2015 in O.S.No.197 of 2011 amounts to inaction, the trial Court is directed to decide the said I.A. within a period of two weeks from the date of receipt of a copy of this order.

The Civil Revision Petition is accordingly disposed of. There shall be no order as to costs.

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

M.SATYANARAYANA MURTHY, J

Date:12.02.2016

Note:- Issue C.C. by 15.02.2016

(B/o)

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