

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 2077 OF 2010

ORDER:

This civil revision petition is filed against the order in I.A.No.223 of 2010 in O.S.No.95 of 2006 by the Senior Civil Judge, Adhoni, allowing the respondent's application seeking to withdraw the suit filed for partition by giving liberty to file a fresh suit if so advised.

2. Petitioners herein question the impugned order stating that they have no objection for the withdrawal of the suit by the respondent but the grievance of the petitioners is with respect to the granting of liberty to file a fresh suit, the respondent had filed O.S.No.47 of 2006 for partition on an earlier occasion and the same was withdrawn and once again only to harass the petitioners, the second suit came to be filed and this is also sought to be withdrawn.

3. Having considered the submission made by the learned counsel for the petitioners, this Court does not find any irregularity in granting liberty to permit the respondent to withdraw the suit and to file a fresh suit if so advised. A close scrutiny of the order discloses that O.S.No.47 of 2006 was withdrawn on 01.08.2006. In other words, the suit itself came to be filed in the year 2006 and within a short span the same came to be withdrawn. The reasons stated for the withdrawal itself has not been stated and no written statement has been filed.

4. In those circumstances, the finding of the court below that no prejudice would be caused to the petitioners by the impugned order, cannot be faulted with and this petition is liable to be dismissed.

Accordingly, the civil revision petition is dismissed . As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

September 28, 2016

LMV

