

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.4881 OF 2016

ORDER:

This revision is preferred against the order dated 18.04.2016 in I.A.No.425 of 2016 in O.S.No.1803 of 2012 by the petitioner/defendant on the file of the learned V Senior civil Judge, City Civil Court, Hyderabad seeking to set aside the same.

In fact, the Court framed the issues in the above suit and pursuant to the issues including as to the jurisdiction as one of the issues, the evidence of plaintiff already let in and the defendants side evidence is in progress from D.W.1 was already examined. At this stage, there is nothing to say by sitting against the impugned order dismissing the application for determination of jurisdiction as preliminary issue, but for left open to decide all the issues on own merits from full-dressed trial including the issue on jurisdiction, for what the observation in dismissal of the application by the impugned order of the lower Court as if no jurisdictional aspect is involved, is unsustainable and same is set aside to that extent.

Having regard to the above, the Revision is disposed of with a direction to the trial Court, uninfluenced by any of the observations in the order dated 18.04.2016 in I.A.No.425 of 2016 in O.S.No.1803 of 2012 of no jurisdictional aspect involved since said observation is now set aside, to decide from the evidence on record the jurisdictional aspect also on own merits. No costs. Pending miscellaneous petitions, if any, in this revision shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.08.11.2016

Note: issue copy in two days.
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