

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.4108 of 2016

ORDER:

This Civil Revision Petition is filed challenging the order dated 22.06.2016 in I.A.No.468 of 2012 in A.S.No.140 of 2012 passed by the learned III Additional District Judge, Nellore, on the ground that the 2nd petitioner in the said I.A., by name Chaluvadi Achyutananda Hari, is no more as on the date of passing of the impugned order.

Heard the learned counsel for the petitioner.

Notices sent to Respondents 1 and 3 were served and the notice sent to Respondent No.2 has been returned as he is no more.

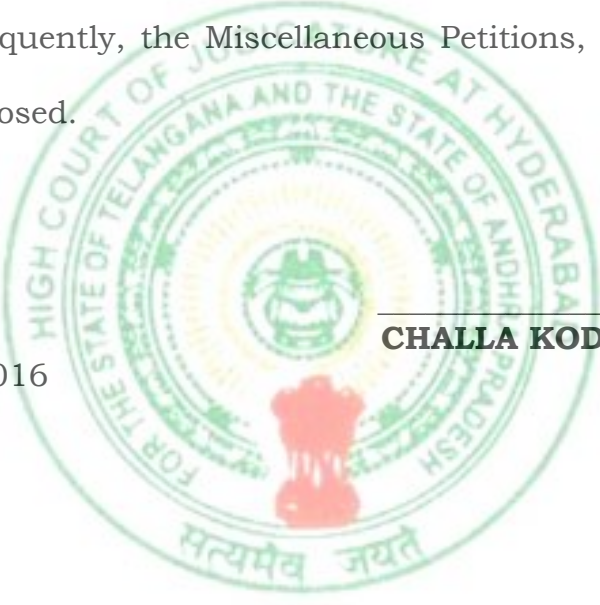
It is the case of Respondents 1 to 3 that they were not aware of the transfer of the case because of which they could not represent in I.A.No.431 of 2012 in A.S.No.140 of 2012 and hence, they were set *ex parte* on 03.10.2012. I.A.No.468 of 2012 was filed praying for setting aside of the order dated 03.10.2012 passed in I.A.No.431 of 2012 in A.S.No.140 of 2012 and the same came to be allowed by the impugned order dated 22.06.2016. It may be noted that the Court was conscious of the fact that one Chaluvadi Achyutananda Hari, who is the 3rd respondent in I.A.No.431 of 2012 and the 2nd petitioner in I.A.No.468 of 2012, was no more, however taken note of the fact that an Application has been filed seeking to bring on record the Legal Representatives of Chaluvadi Achyutananda Hari.

The court below, however, could have scrupulously followed the procedure, first by ordering the L.R. petition, which is admitted to have been filed, and thereafter the present I.A. Inasmuch as, the Appeal is pending and the other respondents have already been contesting the Appeal, no useful purpose would be served by remanding the matter. The Civil Revision Petition is therefore, liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

The learned Additional District Judge shall ensure that no such lapses be committed in future.

Consequently, the Miscellaneous Petitions, if any pending, shall stand closed.

Date:23.12.2016
Ssv



CHALLA KODANDA RAM, J.