

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.5939 OF 2016

ORDER:

The Civil Revision Petition is filed impugning the order dated 29.08.2016 in I.A. No.952 of 2016 in O.S. No.525 of 2010 on the file of XI Additional Chief Judge, City Civil Court at Hyderabad.

2) Heard both sides and perused the material on record including the impugned order of the lower Court.

3) The impugned order of the lower Court is *per se* unsustainable for the reason that mere wrong quoting of provisions is not fatal to the very maintainability of the application as per the settled law and the Court is bound to consider from the inherent power which inheres in every Court to consider the application as filed with correct provision rather than dismissal on technicality. In fact so far as the application concerned, which ought to have been filed under Order XI Rule 14 C.P.C is mentioned as filed under Order XI Rule 12 C.P.C no way fatal.

4) Having regard to the above, the revision is allowed directing the lower Court to treat the application as under Order XI Rule 14 read with Section 151 C.P.C and decide on merits. No order as to costs.

5) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

Dr.JUSTICE B. SIVA SANKARA RAO

Dt.16.12.2016
knl