

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.3467 OF 2016

ORDER:

Aggrieved by the order dated 26.02.2016 passed in I.A.(C.F) No.1839 of 2016 in O.S.No.257 of 2007 by the Senior Civil Judge, Madanapalle, Chittoor District, present Civil Revision Petition is filed.

Heard the learned counsel for the petitioner. *In spite of* service of notice on first respondent, there is no representation on his behalf.

On 26.02.2016, the petitioner-2nd defendant filed an affidavit before the trial Court seeking to dismiss the suit as 'not pressed' in view of the Memo dated 03.07.2015 filed by the plaintiff stating that he is not pressing the suit and he is not interested in proceeding with the matter further. The said application was returned by the trial Court on the ground that application filed by the plaintiff on 03.07.2015 was returned. Aggrieved over said endorsement, the present revision is preferred.

A perusal of the material on record would show that the 1st respondent-plaintiff filed the suit in O.S.No.257 of 2007 and the same is coming up for arguments. While so, the plaintiff having realized the falsity of his case and after seeing the evidence adduced on behalf of the defendants, filed a memo dated 03.07.2015 stating that he is not interested in prosecuting the case. Thereafter, on 26.02.2016, the revision petitioner filed an affidavit seeking dismissal of the suit as 'not pressed' in view of the

memo dated 03.07.2015, which was rejected vide impugned endorsement.

Having regard to the circumstances of the case and as the civil suit pertains to the year 2007, the trial Court is directed to dispose of O.S.No.257 of 2007 on its file, if not already disposed of, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in the revision, if any, shall stand closed.

Date: 21.10.2016

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C. PRAVEEN KUMAR, J

