

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

FRIDAY THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 5694 OF 2015

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Between:

Vakati Ravi Kumar ... Petitioner

Vs.

Nallabantu Prabhavathi & Ors. ... Respondents

Counsel for the Petitioner: Sri Kummathi Venkatesulu

Counsel for the Respondents: Sri J. Pradeep Kiran

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 5694 OF 2015

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ORDER:
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Heard learned counsel for petitioner and Sri C. Subodh
holding for Sri J.Pradeep Kiran.

2. The plaintiff in OS.No. 98 of 2012 is the Revision Petitioner.
The fourth defendant filed IA.No. 293 of 2015 under Order-8, Rule 1 [3]
of CPC to receive documents referred to in the petition. Through the
order impugned in the Revision, the trial court held as follows:

*“Here, the reason mentioned in the affidavit of
the petitioner [D.4] as now she was advised to file this
document by his counsel is a sufficient cause to
condone the delay. Further, here the relevancy of the
document to be decided by the time of appreciation of
the evidence. Hence, it is just to allow the petition.*

*Hence, the petition is allowed subject to proof
and admissibility and on cost of Rs.100/- to the
respondent call on 5/11/2015.”*

Hence, the Revision.

3. At the time of hearing, the counsel appearing for the
respondents having regard to the fact submitted that the order

impugned in the Revision suffers from too much of brevity and he has difficulty in sustaining the same and the order could be set aside and I.A. remanded to trial court. He contends that the fourth defendant-first respondent herein has stated sufficient reasons in the affidavit and if an opportunity is given by trial court, first respondent persuades to convince the trial court. I am not proposing to examine the merits or other wise of the prayer of the first respondent. On the short ground that the order impugned does not have reasons and does not set out basic details. Hence, the order impugned in the Revision is set aside, I.A.No. 293 of 2015 is remanded to the trial court for disposal in accordance with law.

4. Civil Revision Petition is allowed and remanded. No costs.

5. The trial court is directed to dispose of the I.A. within a period of four weeks from the date of receipt of a copy of this order and the learned counsel appearing for the parties submit that the suit can also be directed to be disposed of within a further period of four months. Having regard to the nature of suit and prayer of parties, the trial court is further directed to dispose of the suit within four months after the disposal of the said application.

6. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT

05/02/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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