

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO. 3613 OF 2016

ORDER:

Aggrieved by the order in I.A.No. 23 of 2016 in O.S.No. 25 of 2007 filed under Order XV A r/w Section 151 CPC, on the file of Senior Civil Judge, Sompeta, petitioner preferred this Civil Revision Petition under Article 227 of the Constitution of India, challenging the dismissal order on various grounds mainly contending that when a direction was issued for depositing some amount, respondents did not comply with the directions issued by the Court. Therefore, the petitioner filed an application under order XV A read with Section 151 CPC to strike down the defense in the suit itself.

2. Counsel for the petitioner reiterated the contention urged before the trial Court while pointing out the illegality in the order.

3. Order XV A of CPC deals with striking of defence in a suit filed by lessor. Surprisingly, petition filed under Order IV & VII Rule 1 before the trial Court was in a suit for partition. Filing of a petition under Order XV A is a patent error before the trial Court and the trial Court rightly dismissed the petition, since, Order XV A has no application to partition suit. Therefore, I find no error warranting interference with the order impugned in this Civil Revision Petition by exercising power under Article 227 of the Constitution of India.

4. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Date: 29.07.2016
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