

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.5150 OF 2016

ORDER:

The order under challenge in the instant revision is dated 08-09-2016, in E.A. No.1 of 2016 in E.P. No.1 of 2016, on the file of the III Additional District Judge, Adilabad at Asifabad, whereby and where-under for want of presence of the revision petitioner, the said application was dismissed for default.

2. Heard Sri N. Hari Prasad, learned counsel for the revision petition - Judgment Debtor No.2, and Sri P. Durga Prasad, learned counsel for respondent No.1 - Decree Holder.

3. The learned counsel for the revision petitioner would submit that the E.P. No.8 of 2013 was originally pending on the file of the Additional District Judge - cum - Judge, Family Court at Adilabad, during which time E.A. No.4 of 2014 was also filed. Subsequently, when the Additional District Judge's Court was established at Asifabad, the present E.P. No.8 of 2013 was sent to that Court on point of jurisdiction which was renumbered as E.P. No.1 of 2016, while E.A. No.4 of 2014 as E.A. No.1 of 2016, and without issue of any notice to the revision petitioner, the order under challenge was passed.

4. The learned counsel for respondent No.1 - Decree Holder would not strongly resist it.

5. When no notice was issued, party would not be aware of transmission of record to the Court having jurisdiction. Therefore, the order is liable to be set aside and, accordingly, set aside

6. In the result, the revision petition is disposed of restoring the E.A.No.1 of 2016 in E.P. No.1 of 2016, on the file of the III Additional District Judge, Asifabad, with a direction to dispose of the E.A. within a month from the date of receipt of a copy of this order by giving an opportunity to file counter by the decree holder. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision, stand closed.

A. SHANKAR NARAYANA, J

November 04, 2016.

Mgr