

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP No.865 of 2012

Date:19.04.2016

Between:

Gopisetty Padmavathi

... Petitioner.

AND

Seeram Lakshmi

...Respondent.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP No.865 of 2012

ORDER:

This revision is preferred questioning order dated 18-07-2011 in I.A.No.309/2010 in O.S.No.1359/2008 on the file of II Additional Senior Civil Judge, Vijayawada.

2. Revision petitioner herein is defendant, who filed the above I.A.No.309/2010 under 7 Rule 11 (d) and Section 151 CPC to reject the plaint. Trial Court, on a consideration of the material on record, dismissed the application, holding that the plea taken by the defendant in the written statement is a mixed question of law and fact and it has to be decided only during trial and as the issues were already framed and suit is coming for trial, the question of rejecting the plaint at the threshold is not proper.

3. When this matter came up on 01-02-2016, as there was no representation on behalf of the revision petitioner, it was directed to be posted on 08-02-2016 under the caption of dismissal. On that day, on the request of Advocate for petitioner, the dismissal caption was deleted as the Advocate for revision petitioner sought time to produce plaint copies of the present suit and the earlier suit. Again on 24-02-2016, on the request of Advocate for revision petitioner, it was adjourned by one week recording that no further adjournment will be granted. In spite of that on 22-03-2016 & 07-04-2016, the request of the counsel was considered and the case was adjourned.

4. Today, when the matter is taken up, neither Advocate for petitioner present nor any representation is made on behalf of petitioner. In spite of granting adjournments as referred above, no interest is evinced in prosecuting the case, therefore, Civil Revision Petition is dismissed for non-prosecution. No costs.

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

JUSTICE S. RAVI KUMAR

Date:19.04.2016

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