

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.6131 OF 2016

ORDER:

Heard Sri S. Ganesh, learned counsel for the revision petitioner and Sri J.U.M.V. Prasad, learned counsel for the respondent.

2. Challenging the order, dated 08.06.2016, the present revision is preferred by the defendant in O.S. No.151 of 2015 who filed I.A. No.948 of 2015 under Order IX Rule 13 of Code of Civil Procedure, 1908, requesting to set aside the *ex parte* decree passed on 16-11-2015 in the suit by the Principal Junior Civil Judge, Mancherial. The order reads thus:

“Petitioner is called absent. No representation. Respondent is present and reported ready. In the circumstances, I have seen no reason to grant time to hear the petitioner’s counsel. Accordingly petition is dismissed as no representation.”

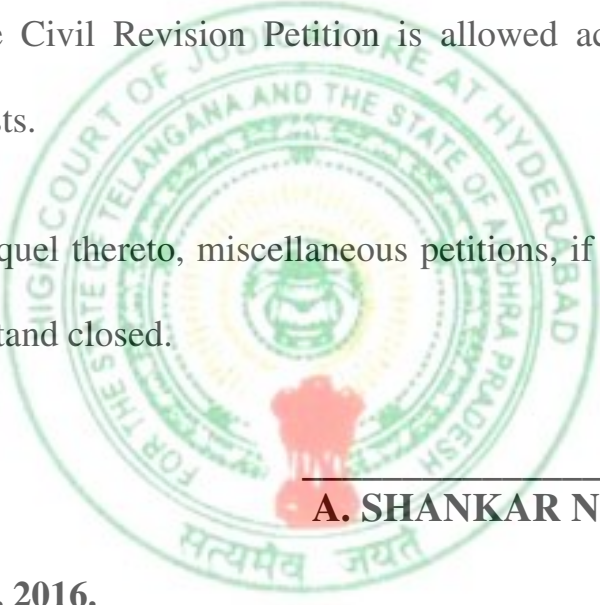
3. The fact that the application in I.A. No.948 of 2015 was filed within thirty (30) days from the date of passing the *ex parte* decree on 16-11-2015 and it shows due diligence on the part of the revision petitioner. The order passed by the Court below which is under challenge herein is without any reasons being assigned except stating that it has not found any reason to grant time to hear the petitioner’s counsel.

4. No doubt, there was no representation on 08.06.2016, but when substantial rights are involved in the main suit, though, it is for recovery of money, certainly, a full-fledged trial can be invited and a result basing on the merits is required to be given.

5. Therefore, the order under challenge is hereby set aside. The revision petitioner is hereby directed to file written statement before the Court below within a month from today.

6. The Civil Revision Petition is allowed accordingly. No order as to costs.

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



A. SHANKAR NARAYANA, J

December 23, 2016.
Mgr