

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.997 of 2016

ORDER:

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In this Civil Revision Petition filed under Article 227 of the Constitution of India, the grievance of the petitioner/defendant is that his application (IA.no.515 of 2013) filed under Order IX Rule 13 of the Code of Civil Procedure, 1908 ('the Code', for brevity) requesting to set aside the *ex parte* decree in OS.No.111 of 2012 is not being disposed of by the learned Principal Senior Civil Judge, Kothagudem and that by virtue of the *ex parte* decree dated 30.04.2013 an EP was filed and salary attachment warrant was already issued and that there is a likelihood of attachment of the salary of the petitioner.

At the hearing, the learned counsel for the petitioner would submit that no summons were served on the defendant in the suit and that without the necessary satisfaction of the legal and factual requirements, notice by substituted service was ordered and that the defendant was set *ex parte* and that therefore, the defendant has got fair chances of success in the application filed seeking to set aside the *ex parte* decree. Be that as it may.

In the facts and circumstances stated, this Court is satisfied that the revision petition can be disposed of at the admission stage with appropriate directions.

In the result, the Civil Revision Petition is disposed of directing the learned Principal Senior Civil Judge, Kothagudem to dispose of IA.No.515 of 2013 in OS.No.111 of 2012 filed under Order IX Rule 13 of the Code as expeditiously as possible and preferably within a period of one (01) month from today. Since it is brought to the notice of this Court that presently the post of the learned Principal Senior Civil Judge, Kothagudem is vacant, the learned Judge holding Full Additional Charge

of the Post of the learned Principal Senior Civil Judge, Kothagudem is directed to dispose of the said application as per the directions in this order.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SEETHARAMA MURTI, J

26th February 2016

Note:

Issue CC by 01.03.2016

(B/o)

Vjl