

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.4423 OF 2009

ORDER:

This Civil Revision Petition is filed under Article 227 of Constitution of India challenging the orders dated 21.08.2009 in I.A.No.503 of 2009 in O.S.No.29 of 2002 on the file of the Court of the Principal Junior Civil Judge, Kovur.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the petitioner filed a suit for cancellation of the decree in O.S.No.337 of 1998 against the respondents in O.S.No.29 of 2002 on the file of the Court of the Principal Junior Civil Judge, Kovur. The petitioner filed I.A.No.503 of 2009 in O.S.No.29 of 2002 to recall PW.3. The trial Court dismissed the said petition.

4. As rightly pointed out by the learned counsel for the petitioner, the trial Court has not assigned reasons much less cogent and valid reasons while dismissing the petition.

5. Learned counsel for both the parties submitted that the matter may be remitted back to the trial Court for disposal of I.A.No.503 of 2009 in O.S.No.29 of 2002 on merits.

6. In view of the submission made by the learned counsel for both the parties, the orders dated 21.08.2009 in I.A.No.503 of 2009 in O.S.No.29 of 2002 on the file of the Court of the Principal Junior Civil Judge, Kovur, is hereby set aside. The trial Court is hereby directed to dispose of I.A.No.503 of 2009 in O.S.No.29 of

2002 on merits, after affording a reasonable opportunity to both the parties, as expeditiously as possible, preferably within a period of one (1) month from the date of receipt of a copy of this order.

7. Accordingly, the Civil Revision Petition is allowed. No costs. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 19.12.2016
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