

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.6104 of 2016

ORDER:

Heard before admission and before notice to the respondent/plaintiff.

The appeal A.S.No.83 of 2011 filed against preliminary decree in the partition suit in O.S.No.196 of 2006 of Junior Civil Judge, Ramannapet, before the Senior Civil Judge, Bhongir, stated dismissed for default and it is the submission that there is an application to condone the delay in filing the application to restore the appeal. It is the submission that the appeal originally filed in Senior Civil Judge Court, Nalgonda and it is transferred on jurisdictional aspect to Senior Civil Judge, Bhongir, and at the time of transfer there is no notice much less personally to know the transfer and to prosecute the matter by attending at Bhongir, that is the reason why the appeal of the defendants/revision petitioners ended in dismissal. In fact remedy is seeking early disposal of the application to restore the dismissed appeal.

Having regard to the above and in the result, the revision before admission is disposed of directing the lower Court to dispose of early the application filed under Section 5 of the Limitation Act with application to restore the appeal which was dismissed for default by common order within one week from the date of receipt of this order, so that the petitioners can pursue the other remedies depending upon the result without prejudice to the contentions raised in the grounds of revision to urge at the appropriate time.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 30.12.2016
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