

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION NO.2473 OF 2016

ORDER:

Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

2. This Civil Revision Petition is directed against the order, dated 16-03-2016 in I.A.No.540 of 2015 in A.S.No.59 of 2012 on the file of the VI Additional District & Sessions Judge, Markapur.

3. The above interlocutory application was filed by the 1st appellant in the appeal stating that himself and his Advocate have not identified the original name of the appellant in O.S.No.48 of 2008 on the file of the Senior Civil Judge, Markapur. At the time of filing of appeal also, it was not properly identified, which resulted in error in describing the name of the 1st appellant. When he changed the Advocate, it was noticed by the changed Advocate that his name was wrongly described. Therefore, he wanted for correction of the name of the 1st appellant as 'Venkata Rajendra Raju' instead of 'Venkata Rajeswara Raju' and filed copy of Aadhar Card and Ration card in support of his application.

4. No counter-affidavit is filed by the respondents to the said application. However, the application of the petitioner was dismissed vide impugned order holding that the suit went on with the name as Gopidesi Venkata Rajendra Raju and the petitioner also received summons in the said name only. After decreeing the suit on 15-03-2012, the appeal was also filed with the same name. However, the documents filed by the petitioner relate to the year 2007 and the suit was filed in the year 2008 and since the petitioner was negligent in conducting the suit, the application was dismissed.

5. The appeal is only a continuation of the suit and no prejudice is caused to the case of the respondents by changing the name, which was wrongly described and after realizing the said mistake, the above interlocutory application was filed. The plaintiffs in the suit did not file any counter. Even in this Court also, learned counsel for the respondents did not raise any objection. In the circumstances, the interlocutory application filed by the petitioner herein has to be allowed.

6. At this stage, learned counsel for the respondents submits

that since the appeal is of the year 2012, necessary direction may be given to the lower appellate Court to dispose of the appeal. Since the appeal is of the year 2012, the lower appellate Court shall endeavour to dispose of the appeal as expeditiously as possible, but not later on 31-12-2016.

7. Accordingly, the Civil Revision Petition is allowed and consequently I.A.No.540 of 2015 in A.S.No.59 of 2012 filed by the petitioner herein before the VI Additional District & Sessions Judge, Markapur, is allowed. No order as to costs. Miscellaneous petitions, if any pending in this revision shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 10-06-2016

Hsd