

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4722 of 2016

Date: 30.09.2016

Between:

Koda Manchili Musili Narayana Rao

.. Petitioner

and

Smt.Siyadri Vara Lakshmi

.. Respondent

Counsel for the petitioner : Mr.R.Siva Sai Swaroop

The Court made the following:



Order:

The defendant in OS.No.421 of 2015 filed this Civil Revision Petition feeling aggrieved by Order, dated 22.06.2016, of the Principal Senior Civil Judge, Gajuwaka, restoring the suit earlier dismissed for default.

Mr.R.Siva Sai Swaroop, learned Counsel for the petitioner, submitted that the order under revision was passed without notice to his client under Order IX Rule 9(2) of the Code of Civil Procedure, 1908 (CPC). He has not disputed the fact that the suit was dismissed for default even before the summons was served on the petitioner/defendant. In such case, Order IX Rule 4 CPC, under which service of notice on the defendant is not envisaged, is attracted.

In this view of the matter, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.6145 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 30th September, 2016
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