

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

WEDNESDAY THE TWENTIETH DAY OF APRIL, 2016

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 2100 OF 2016

Between:

Nalini Sriraman ... Petitioner/Plaintiff

V/s.

Sankurthi Sree Raman & Ors. ... Respondents/Defendants

Counsel for the Petitioner: Mrs. V. Meenakshi

Counsel for the Respondents: None appeared

The court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 2100 OF 2016

ORDER:

The plaintiff in OS.No. 469 of 2014 in the Court of Principal Senior Civil Judge, Nellore is the Revision Petitioner. The Revision Petitioner filed the suit for declaration of her right and title and also for perpetual injunction restraining the respondents herein from interfering with her peaceful possession and enjoyment. The Revision Petitioner filed I.A.No. 35 of 2016 for substituted service by publishing in daily news paper of Nellore and Kadapa district. The trial court passed the following order on 7/1/2016.

“steps against the respondent-D-1 allowed. R3 dismissed without costs.”

2. The prayer of Revision Petitioner is for substituted service of notice by publication in the news papers as referred to above. In the considered view of this Court the trial court ought to have confined itself to the necessity of ordering substituted service or issue of such other or further direction as the case may warrant. But what surprises from the order is while considering the prayer in I.A.No. 35 of 2016, the learned trial Judge dismissed suit against D-3. This is impermissible and amounts to illegal exercise

of jurisdiction by him. As there is patent illegality in exercise of jurisdiction, the order dated 7/1/2016 in I.A.No. 35 of 2016 in its entirety is set aside. The matter is remanded to trial court for consideration and disposal within one week from the date of receipt of a copy of this order.

3. The Civil Revision Petition is allowed. No costs.

4. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT

20/4/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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