

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.3649 OF 2017

ORDER:

The Civil Revision Petition is filed questioning the order dated 15.02.2016, passed by the Principal Senior Civil Judge, Nellore in un-number I.A.No. of 2015 in O.S.No.105 of 2010.

The brief facts of the case are that the petitioner/1st defendant was set *exparte* on 19.01.2015. Thereafter, the petitioner filed two applications. One application is filed seeking to condone the delay in filing the application to set aside the *exparte* order dated 19.01.2015 and another application is filed seeking to set aside the *exparte* order dated 19.01.2015. The delay condonation petition was numbered as I.A.No.802 of 2015 and the said application was dismissed on 15.02.2016. This Court allowed the revision filed against the said order in C.R.P.No.2577 of 2016 by an order dated 3.11.2016 imposing the costs of Rs.10,000/- and thereby the condonation delay petition stands ordered. Consequent upon the delay having been condoned, the learned trial Judge ought to have been numbered the unnumbered I.A seeking to set aside the *exparte* order dated 19.1.2015 independently and pass orders on merits. Instead the I.A came to be rejected by the learned trial Judge stating that I.A.No.802 of 2015 is dismissed. It may be noted that in view of the fact that the I.A.No.802 of 2015 stands allowed, the rejection order in unnumbered I.A.No. 2015 is set aside with a direction to the Court below to number the unnumbered I.A.No. 2015 in O.S.No.105 of 2013 and pass appropriate orders on merits.

With the above observations, the civil revision petition is disposed of. Miscellaneous Petitions, if any pending in this C.R.P, shall also stand closed. No order as to costs.

CHALLA KODANDA RAM

Date:28.07.2017
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