

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.298 of 2017

ORDER :

Vide the present petition, petitioner seeks direction thereby directing the I-Additional Senior Civil Judge, Narsaraopet, Guntur District, to dispose of I.A.No.7228 of 2016, whereby, the petitioner sought to set aside the *ex parte* decree, and the application filed under Section 5 of the Indian Limitation Act in O.S.No.164 of 2011.

On advance notice, Sri K.Gopal, Advocate accepts notice on behalf of 1st respondent and is opposing the petition.

The suit in O.S.No.164 of 2011 was filed by the 1st respondent herein against the petitioner and respondents 2 to 8 herein, for recovery of an amount of Rs.2,16,893/-. Same was decreed vide *ex parte* decree dated 26th November 2015. The petitioner herein filed an application for setting aside the same. However, said application is pending. Meanwhile, the 1st respondent herein filed E.P.No.85 of 2016 and the petitioner herein has apprehension that the order may be passed in E.P.No.85 of 2016, and in that eventuality, I.A.No.7228 of 2016 filed by the petitioner would become infructuous.

I heard learned counsel for petitioner and the counsel for 1st respondent.

Keeping in view of the facts as stated by the petitioner that he never received any notice from the Court regarding O.S.No.164 of 2011 pending before the Court below, I hereby direct the I-Additional Senior Civil Judge,

Narsaraopet, Guntur District to dispose of I.A.No.7228 of 2016 before passing orders in E.P.No.85 of 2016. This Court expect from the said Court to decide I.A. mentioned above within four weeks from the date of receipt of this order.

In view of above, the revision petition is disposed of. No costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

10th February 2017

ajr

