

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.1986 OF 2017

ORDER:

This Civil Revision Petition is filed by the petitioner/JDR-2 against order dated 20.01.2017 in E.P.No.46/2001 in O.P.No.18/1989 on the file of Senior Civil Judge, Peddapalli, wherein the Court below closed the EP filed by the respondents 1 to 6 herein observing that they have to file another E.P for the balance amount payable in the EP.

Learned counsel for the petitioner submits that without deciding an application filed by the respondents 1 to 6 in EA No.257 of 2014 in EP No.46 of 2001, straight away EP was closed with liberty to the respondents to file fresh EP, when there is no such necessity.

On the other hand, learned counsel appearing for the respondents 1 to 6 submits that there is no adverse order passed against the revision petitioner and if at all any grievance is there, it is for the respondents 1 to 6. He further submits that in view of subsequent developments, the amounts which were mentioned in the EP have to be amended. He further submits that permission may be granted to the respondents 1 to 6 to file necessary amendment application in the present EP, if the Court comes to a conclusion that the impugned order is to be set aside.

A perusal of the impugned order of the Court below goes to show that no proper reason is mentioned for closing the EP and also for granting liberty to file fresh EP. If at all the respondents 1 to 6 are entitled for any excess amounts than claimed in the original EP, it is always open for them to file amendment

application. In fact, it is stated that E.A.No.257 of 2014 is already filed.

In view of above facts and circumstances, the impugned order dated 20.01.2017 is set aside and the EP No.46 of 2001 is restored to file and the Court below is directed to dispose of the same along with E.A.No.257 of 2014 in accordance with law.

Accordingly, this Civil Revision Petition is allowed to the extent indicated above. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

16-06-2017
kvs



A.RAJASHEKER REDDY,J

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