

HON'BLE SRI JUSTICE G. SHYAM PRASAD

C.R.P. M.P. No.3984 of 2008

IN/ AND

CIVIL REVISION PETITION No. 913 of 2008

COMMON ORDER:

C.R.P.M.P No.3984 of 2008 is filed to condone the delay of 76 days in filing the petition to set aside the order dated 02.04.2008 passed in the Civil Revision Petition.

2. Learned counsel Sri A. Prabhakar Rao, appearing for respondents 1, 2 and 4 has filed his affidavit wherein he stated as under:

“..... The order in C.R.P. No.913 of 2008 dated 2.4.2008 discloses that the appearance on behalf of the respondents has noted as NIL. I checked up the cause list dated 2.4.2008 and found that my name was not printed in respect of C.R.P. No.913 of 2008 as a counsel appearing on behalf of the respondents. The Hon'ble Court disposed of the C.R.P. on 2.4.2008. It is submitted that in fact there is no delay in filing the application to set aside the order dt. 2.4.2008 in C.R.P. No.913 of 2008. This petition is filed within 30 days from the date of knowledge i.e. 1.7.2008 on which date it came to light that the C.R.P was disposed of on 2.4.2008. The application for condonation of delay is filed by way of abundant caution to condone the delay of 76 days in filing the application to set aside the order dt.2.4.2008. The delay caused in filing the application neither intentional nor wanton, but due to above stated reasons.”

3. Learned counsel for the revision petitioner is present and states no objection for condoning the delay.

4. In view of the reasons stated in the affidavit filed in support of the delay condonation petition, the delay is condoned, and the C.R.P. stands restored to file.

5. Coming to the Civil Revision Petition, the brief facts of the case are that the plaintiff filed a suit in O.S.No.606 of 2005 on the file of Principal Senior Civil Judge, Warangal, for declaration of title and injunction. In that suit, he also filed a petition i.e. I.A.No.1355 of 2005 praying to grant temporary injunction. The trial Court granted the temporary injunction. As against the temporary injunction order, the defendants-respondents filed an appeal by way of C.M.A.No.17 of 2007 before the IV Additional District Judge, Warangal, and the appeal was allowed by order dated 02.11.2007. Being aggrieved by the order passed in C.M.A.No.17 of 2007, the plaintiff preferred the present civil revision petition.

6. Learned counsel for the revision petitioner submits that the Original Suit itself has been disposed of by the trial Court and hence no cause of action survives in this civil revision petition.

7. Recording the submission of the learned counsel for the revision petitioner-plaintiff that the Original Suit No.606 of 2005 has already been disposed of by the trial Court, this civil revision petition is dismissed as infructuous as no cause of action survives for adjudication in this petition. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. SHYAM PRASAD

16th February, 2017

KSM

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