

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 4040 OF 2017

ORDER:

This revision is filed against the docket order, dated 03.05.2017, passed by the learned Junior Civil Judge, Uravakonda, in pursuance of the proceedings in I.A.No.63 of 2017 in O.S.No.34 of 2016.

Heard learned counsel for the petitioner.

Notice sent to the respondent was returned with an endorsement 'refused'. In those circumstances, it shall be construed that the notice is deemed to have been served.

The petitioner herein filed I.A.No.63 of 2017 under Order VI Rule 17 C.P.C. to permit her to amend Survey Number as 410/2 instead of 400/1 in the plaint schedule. The trial Court allowed the same on 30.03.2017 on payment of costs of Rs.100/- by directing the petitioner to file a neat copy of the plaint on or before 13.04.2017, failing which, the petition stands dismissed, and posted the matter to 13.04.2017.

The docket order, dated 13.04.2017, discloses that as the Presiding Officer was on leave, the matter was posted to 18.04.2017. On 18.04.2017, the trial Court while observing that the petitioner has not complied with the conditional order, posted the matter to 21.04.2017 for further hearing, and called for the

explanation from the Superintendent for not putting up the papers before the In-charge Officer on 13.04.2017.

The docket order, dated 03.05.2017, discloses that amendment was not carried out and neat copy of the plaint was not filed. There was some bungling at the office of the Court in not placing the papers before the In-charge Officer and there is also lapse on the part of the petitioner in not seeking extension of time for complying with the conditional order. Be that as it may, there is ample power to the Court to extend time for complying with the conditional order.

Accordingly, the Civil Revision Petition is allowed and the petitioner shall pay costs of Rs.500/- instead of Rs.100/-, as directed by the trial Court in the order, dated 30.03.2017, to the respondent, within one week from the date of receipt of a copy of this order. She shall also file amended copy of the plaint before the trial Court. The amended copy shall be taken on file to enable the trial Court to dispose of the suit in accordance with law. No costs.

Consequently, miscellaneous applications, if any shall stand dismissed.

CHALLA KODANDA RAM, J

Dt:21.12.2017

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