

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2731 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the inaction of the District Judge, Kadapa at Proddatur, in C.M.A.No.12 of 2015.

Respondent No.2 in CMA No.12 of 2015 filed a Memo informing the Court about filing of CMA without holding any Vakalat on behalf of Appellant Nos. 4,5,7,8,10,12,13,15 and 16 by the Counsel, who filed the appeal, and requested the Court to dismiss the appeal as infructuous. But, the Court did not pass any Order. Thereby, the revision petitioner challenged the inaction of the District Judge, Kadapa at Proddatur in the present Petition.

A memo is only an information to the Court and it is neither contemplated under Code of Civil Procedure nor under Civil Rules of Practice and no judicial Order can be passed on a Memo since it is an information to the Court. If the petitioner is particular about dismissal of CMA on any ground, more particularly, when the CMA allegedly become infructuous, the remedy is otherwise under Code of Civil

Procedure, in view of the Judgment of this Court in *Syed Yousuf Ali v. Mohammad Yousuf and others*¹.

Accordingly, this Civil Revision Petition is dismissed as no judicial order can be passed on a Memo. However, leaving it open to the petitioner to claim appropriate remedy before the District Judge, Kadapa at Proddatur.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.

Date: 15-06-2017.
eha

M. SATYANARAYANA MURTHY, J



¹ 2016(2) ALT 557

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



CRP No.2731 of 2016

Dt. 15-06-2017

eha