

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.913 of 2017

ORDER:

Impugning the docket order dated 01.02.2017 of the lower Court in I.A.No.107 of 2017 in O.S.No.221 of 2012 filed by the plaintiff against the sole defendant, to reopen the matter and recall PW.1 and to receive the document shown in O.S.No.20 of 2012, maintained by the defendant against the husband of the plaintiff in another Court, that was since ended in dismissal though technically held as rejected, the revision is maintained.

Heard learned counsel for the revision petitioner and learned counsel for the respondent before admission and perused the impugned order and other material on record.

The suit O.S.No.20 of 2012 for bare injunction undisputedly dismissed on 17.11.2015. The present suit O.S.No.221 of 2012 is for the relief of specific performance of the contract for sale. Even the suit whether dismissed was pending of disposal of O.S.No.221 of 2012 is not bar to decide the suit lis for the entitlement of suit for specific performance or not for even the suit for declaration of the property does not belong to the defendant.

Having regard to the above, there is nothing to interfere with the impugned order of the lower Court, but for to say the impugned order no way influence the mind of the Court but for to say what is observed in the docket order as if there is no representation is per se unsustainable when the matter is pending at the stage of arguments, so technically to reject instead of hearing both sides and passing the orders.

Accordingly and in the result, the revision petition is dismissed before admission for no grounds to interfere.

Consequently, miscellaneous petitions, if any shall stand dismissed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.02.2017
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