

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.Nos.5153 AND 5157 OF 2017

COMMON ORDER:

Heard Mr. K. Ramesh Kumar for petitioner and Mr. A.Chandraiah Naidu for respondents 1 and 2.

The petitioner challenges docket order dated 08.09.2017 rejecting CFR No.2667 as illegal and amounts to exercising jurisdiction not conferred by the Code of Civil Procedure.

I have perused the rejection order dated 08.09.2017. This Court is *prima facie* satisfied that the learned Judge ought to have number I.A., though not procedural or statistical purpose, but for disposing of application as prescribed by law. The order impugned in the revision refers to merits and at the end concludes as rejected. The counsel for petitioner submits that dismissing in the name of rejection ought to have avoided by the trial Court. Be that as it may, from the tenor of the order impugned in the revision, I am satisfied that the Court failed to number I.A. and decide the application on merits. It is further observed that the case of petitioner is that the day on which the evidence of DWs 1 and 2 was closed, it was not posted for cross examination of revision petitioner. This is a matter for verification and appreciation from the record.

For the reasons stated above, the order impugned in the C.R.P. No.5153 of 2017 is set aside and consequently the order impugned in C.R.P. No.5157 of 2017 is also set aside. The trial Court is directed to number I.A. if otherwise in order and the plaintiffs are

given two weeks from today to file counter. The trial Court is directed to dispose of I.A. uninfluenced by the observations made in this order and the order dated 08.09.2017 in CFR No.2667. After remand, I.A. shall be disposed of within three weeks. If permission is granted for cross examination, definite time frame shall be stipulated by the trial Court.

The C.R.Ps are ordered accordingly. No order as to costs.

Date: 27.10.2017
Sp

S.V.BHATT, J

