

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.4453 OF 2017

ORDER:

The case of the petitioner is that the respondent filed O.S.No.614 of 2003 on the file of the Additional Junior civil Judge, Ananthapuramu, against his mother, which came to be decreed on 06.09.2012. Aggrieved by the same, the petitioner's mother filed A.S.No.105 of 2012 on the file of the I Additional District Judge, Ananthapuramu, and when she passed away, to protect the interests of the petitioner, he filed I.A.No. 995 of 2016 under Order XXII rule 3 of C.P.C. seeking to add him as appellant by recognising him as a legal heir and to enable him to prosecute the appeal. Though the said application was filed as far back as on 02.11.2016 no orders are being passed by the learned Judge.

After hearing the learned counsel for the petitioner and considering the nature of relief, which the petitioner is claiming in the present Civil Revision Petition, it is not necessary for this Court to issue notice to the respondent.

Docket proceedings dated 03.07.2017 in I.A.No.995 of 2016 disclose that the matter is coming up under the caption "Enquiry" since 15.12.2016. While the docket proceedings dated 28.06.2017 discloses that the matter was posted 'for orders' on 03.07.2017, however, on 03.07.2017 without passing orders, the Court had reopened the case under the guise that the matter requires enquiry. Therefore, not passing orders,

after reserving the case for orders, is not appreciable. However, considering the limited relief, which has been claimed by the petitioner, the learned I Additional District Judge, Ananthapuramu, is directed to pass orders in the I.As., within four weeks from the date of receipt of a copy of this Order, after considering the material on record on merits.

Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dated:10.11.2017

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CHALLA KODANDA RAM, J

