

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION NO.5295 OF 2012

ORDER:

This Civil Revision Petition is filed challenging the order dated 18.08.2012 passed in I.A.No.1296 of 2011 in I.A.No.3812 of 2008 in O.S.No.1610 of 2004, wherein the Court below had dismissed the I.A. and refused to restore I.A.No.3812 of 2008 which was dismissed on 14.06.2010.

The petitioner had filed an affidavit contending that the counsel representing her had met with an accident and he could not represent the case on the day on which the I.A. was coming up for hearing. The said fact was not appreciated by the Court below.

Since it has been contended by the respondent's counsel that written statement has already been filed and as the suit is of the year 2004, as a last chance, the petitioner can be given an opportunity to contest the suit on merits on payment of an amount of Rs.5,000/- (Rupees five thousand only) to the Legal Services Authority before the Court below and on such deposit, the Court below is directed to hear the suit on merits after giving opportunity to all the parties and dispose of the same, as expeditiously as possible, preferably within a period of one year from the date of a copy of this order.

Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

23rd October 2017
RRB