

The Hon'ble Sri Justice D.V.S.S.Somayajulu

Civil Revision Petition No.992 of 2012

Order:

This Civil Revision Petition is filed against Order, dated 17-02-2010, in IA.(Sr).No.839 of 2009 in OS.No.122 of 2007, on the file of the Principal Senior Civil Judge, Eluru.

The aforementioned suit was filed by the petitioners/plaintiffs against the respondents/defendants for partition and separate possession of the plaint schedule property. Pending the suit, they have filed the aforesaid IA seeking to condone the delay of 658 days in filing the application for setting aside the order of abatement passed against respondent No.2/defendant No.2.

At the hearing, learned Counsel for the petitioners submitted that the Court below passed a cryptic order on 17.02.2010 without assigning any reasons for rejection of the IA.

Heard the learned Counsel for the petitioners and perused the record.

As rightly argued by the learned Counsel for the petitioners, the impugned order does not contain any reasons whatsoever for rejection of the IA. Hence, the Order, dated 17-02-2010 in IA.(Sr) No.839 of 2010 in OS.No.122 of 2007 on the file of the Court of the Principal Senior Civil Judge, Eluru, is set aside and the matter is remanded to the lower Court to hear the matter afresh and pass appropriate orders thereon, but within four weeks from the date of receipt of a copy of this order, in view of the fact that the suit is of the year 2007.

The Civil Revision Petition is, accordingly, allowed.

As a sequel, CRPMP.No.1353 of 2012, filed by the petitioners for interim relief, is disposed of.

(D.V.S.S.Somayajulu, J)

Dt: 22nd September, 2017
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