

HON'BLE SRI JUSTICE A.V. SESA SAI

CIVIL REVISION PETITION No.2331 of 2017

ORDER :

This revision is filed under Article 227 of the Constitution of India by the legal representatives of the 3rd defendant in O.S.No.19 of 1985 on the file of the Court of Additional District Judge, Hindupur.

2. One Sri P.Radhakrishnamurthy, husband of Smt.Sumitra-3rd respondent in the present revision instituted the said suit for partition.

On 08.05.1990 a preliminary decree of partition was passed. Assailing the said preliminary decree one Sri Baktavatsalam-5th defendant in the suit preferred A.S.No.1415 of 1990 before this Court.

3. This Court, on 08.12.2008 dismissed the said appeal i.e., A.S.No.1415 of 1990. After dismissal of A.S.No.1415 of 1990, Sri P. Ananda Krishanaiah-3rd defendant in the suit, passed away. Subsequently, on 09.09.2011 the petitioners herein, who are the legal representatives of the said Ananda Krishnaiah-respondent No.5 in A.S.No.1415 of 1990, filed I.A.No.629 of 2011 before the Court of the Senior Civil Judge, Hindupur, under Order XX Rule 18 C.P.C. praying for appointment of Advocate Commissioner for effecting the division of petition schedule properties. Along with the said application, they also filed I.A.No.693 of 2016 seeking condonation of delay in filing petition to set aside the abetment in brining the legal representatives of respondent No.12-defendant No.6 in the suit. The said application, according to the learned counsel for the petitioners, was filed on 09.12.2016. It is also the submission of learned counsel

for the petitioners that the petitioners herein also filed I.A. seeking advancement of the matter.

4. During course of hearing, it is submitted by the learned counsel for the petitioners that earlier when the matter was listed on 28.04.2017, the learned Senior Civil Judge, Hindupur, posted the matter to 07.06.2017 for counter of the legal representatives of respondent No.12 and thereafter when the matter was posted on 07.06.2017 once again the learned Senior Civil Judge directed the matter to be listed in the month of August, 2017 for filing counter of the legal representatives of respondent No.12.

5. It is submitted by the learned counsel for the petitioners that though a preliminary decree was passed as long back as on 08.05.1990 and despite the fact that the appeal preferred by defendant No.5 also ended in dismissal on 08.12.2008 and in spite of the fact that the petitioners herein filed I.A.No.629 of 2011 as long back as on 09.09.2011, the matter is undergoing a number of adjournments and is not attaining finality and in view of the same the petitioners herein are sustaining irreparable loss and hardship.

6. Having heard learned counsel for the petitioners and also taking into consideration the nature of controversy and the material available on record, this Court deems it appropriate to dispose of the present revision with a direction to the learned Senior Civil Judge, Hindupur, to pass appropriate orders on I.A.Nos.629 of 2011 and 693 of 2016 and instant applications, within a period of three months from the date of receipt of this order.

7. With the above direction, the revision is disposed of.
8. Miscellaneous Petitions, if any, pending in this revision shall stand closed. No order as to costs.

A.V. SESA SAI, J

30th June 2017

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