

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.4907 OF 2017

ORDER:

Heard both sides.

This revision petition is filed under Article 227 of the Constitution of India returning petition in C.F.R.No.2912 of 2017 in O.S.No.99 of 2016 vide docket order dated 20.04.2017 by the Senior Civil Judge, Siddipet on the ground that the 1st defendant was represented by the registered G.P.A. holder of defendants 2 and 3, service of notice on defendants 2 to 7 is sent and served on defendants 2 and 3 is sufficient service on defendant No.1, but the trial Court on erroneous appreciation of law returned the petition filed under Order 3 Rule 3 C.P.C.

Order 3 Rule 3 C.P.C deals with service of process on recognized agent. According to Order 3 Rule 3 C.P.C (1) process served on the recognized agent of the party shall be as effectual as if the same had been served on the party in person, unless the Court otherwise directs. (2) the provisions for the service of process on a party to a suit shall apply to the service of process on his recognized agent. The 1st defendant is represented by authorized agent i.e. registered General Power of Attorney. Therefore, the petitioner filed petition to accept that the service of notice on the recognized agent of the 1st defendant is sufficient service, but instead of accepting this contention, the trial Court returned the petition.

Against the impugned order, the petitioner is not remediless and he can represent the same before the trial Court. Instead of

representing the order before the trial Court, which is not amenable to revisional jurisdiction, the petitioner straight away approached this Court seeking indulgence of this Court to revise the impugned order by exercising supervisory jurisdiction under Article 227 of the Constitution of India and such power cannot be exercised on mere asking and unless the Court finds that the order is perverse, this Court cannot interfere while exercising power under Article 227 of the Constitution of India. Therefore, under these circumstances, I hold that the revision petition is not maintainable against impugned order, consequently, the revision petition is liable to be dismissed.

Accordingly, the revision petition is dismissed. No costs. However, the petitioner is permitted to represent C.F.R.No.2912 of 2017 in O.S.No.99 of 2016 before the Senior Civil Judge, Siddipet complying the objections within 15 days from today and on such representation, the Court concerned is directed to pass appropriate orders. The registry is directed to return original C.F.R.No.2912 of 2017 in O.S.No.99 of 2016 filed by the petitioner immediately under proper acknowledgment of the counsel for the petitioner.

Miscellaneous petitions, if any, pending in the criminal revision petition, shall stand closed.

M. SATYANARAYANA MURTHY J

Date: 13.10.2017
kvrn