

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Civil Revision Petition No.2216 of 2017

ORDER:

This civil revision petition is filed aggrieved by the docket order dated 26.09.2016 passed in IA No.1158 of 2015 in OS No.40 of 2010, where under the learned II Additional District Judge, Kadapa at Proddatur, allowed the petition filed on behalf of the petitioners, under Order I Rule 10 and Order VI Rule 17 CPC read with Rule 28(2) of CRP, to recognise the petitioners 3 to 7 and 2nd respondent, as legal representatives of the deceased 1st plaintiff.

2. After hearing the learned counsel for the petitioner/1st defendant, this court is of the view that the civil revision petition can be disposed of at the admission stage without necessity of ordering notices to the respondents.

3. The grievance of the petitioner is that though counter was filed in IA No.1158 of 2015, without considering the same and also without considering the fact that the death certificate of 1st plaintiff was not filed, the trial court passed a cryptic order allowing the petition and hence, the same is required to be set aside.

4. This court perused the copy of the counter filed along with the material papers. As can be seen from the counter, except stating that the relationship of the petitioners with the deceased 1st plaintiff is suspicious, there was no emphatic denial in the counter that the petitioners were not the legal representatives of the deceased 1st plaintiff. It is also to be noted that there was no denial about the factum of death of 1st plaintiff. In these circumstances, this court finds

no perversity or illegality in the order passed by the trial court, though it is a cryptic one, but a reasoned one.

5. Accordingly, the civil revision petition is dismissed at the admission stage. No order as to costs. Miscellaneous petitions, pending if any, in this revision petition, shall stand dismissed.

U. DURGA PRASAD RAO, J

Date: 18.08.2017
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