

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4458 OF 2017

ORDER:

This petition is filed challenging the notice dated 28.01.2017 issued by the 3rd respondent basing on the application of the 4th respondent.

Learned counsel for the petitioner submits that the 4th respondent filed OS.No.61 of 2014 against the petitioners and the Court below granted exparte decree in favour of 4th respondent on 03.08.2015; and that thereafter petitioners filed petitions for condoning the delay along with petition for setting aside the exparte decree and the same are pending. He further states that when the petitions filed by the petitioners are pending before the Court below, the 3rd respondent could not have issued impugned notice.

A perusal of the impugned notice goes to show that it is only a notice issued to the petitioners on the application of the 4th respondent and that no rights are decided by virtue of the said impugned notice. The petitioners can submit their objections before the 3rd respondent and the 3rd respondent may consider their objections as per law. This Court cannot go into all these disputed questions of fact and stay the impugned notice.

In view of the aforesaid reasons, I do not see any reasons to entertain this writ petition. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.02.2017
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