

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.4003 of 2017

ORDER:

This Civil Revision Petition under Section 115 CPC is filed challenging docket order, dated 01.08.2017 in E.A.No.27 of 2015 in E.P.No.6 of 2015 in O.S.No.533 of 2013 on the file of VIII Additional District Judge, Medak, on various grounds.

The Court below passed the order impugned dismissing E.A.Nos.21 and 22 of 2017 as there was no representation on behalf of the petitioner third party and though the matter was called thrice and finally at 12.40 p.m., there was no representation.

It is the contention of counsel for petitioner that Transfer O.P.No.175 of 2017 was filed before the District Court and interim stay of proceedings in E.P.No.6 of 2015 was obtained by respondent No.1. Despite it, the Court below dismissed E.A.Nos.21 and 22 of 2017 and that the order impugned is illegal and he requested this Court to set aside the same.

Sri E.V.V.S. Ravi Kumar, learned counsel for respondent No.1, contended that this Court by order, dated 28.06.2017, in CRP.No.2203 of 2017, directed the trial Court to decide E.A.No.27 of 2015 within the time frame. Thereafter, the transfer O.P. was filed under Section 24 CPC and obtained interim stay

by respondent No.1. In pursuance of the direction issued by this Court, the Court below dismissed E.A.No.27 of 2015 by the order under challenge and that the transfer O.P. was dismissed on 27.07.2017 i.e., prior to the passing the order under challenge.

As seen from the order impugned, it is not a reasoned order and E.A.No.27 of 2015 was not dismissed for default but it indicates that E.A.Nos.21 and 22 of 2017 were dismissed for default.

Therefore, it is appropriate to direct the Court below to decide all the petitions within a timeframe to avoid unnecessary further complications.

Hence, this Civil Revision is allowed and order impugned is set aside with a direction to the Court below to dispose of E.A.No.27 of 2015 by passing a reasoned order, in case the counsel of either party does not appear also, within a period of one month from the date of receipt of a copy of this order, in accordance with law.

Consequently, pending Miscellaneous Petitions, if any, shall stand disposed of. No order as to costs.

M. SATYANARAYANA MURTHY, J

13th SEPTEMBER, 2017.

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