

HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.3120 OF 2017

ORDER:

The present civil revision petition is filed by the petitioners challenging order, dated 06.08.2016, passed in OSSR No.2162 of 2016 by the Senior Civil Judge, Amalapuram, wherein the learned Judge, rejected the suit of the petitioner on the ground that there is an inordinate delay in filing the suit.

It is the case of the petitioners that they have filed a suit for cancellation of decree and judgment passed on 25.11.1995 in O.S No.99/ 1988, on the file of the Senior Civil Judge, Amalapuram, East Godavari District. But, the Court below rejected the suit on the ground that it was barred by limitation.

Heard and perused the material available on record.

The main contention of the petitioners is that they came to know about passing of the decree in O.S No.99/ 1988 in the month of February 2016 and immediately they obtained the certified copies of the proceedings and filed the present suit, but the Court below has not considered the fact regarding knowledge of passing decree in the said suit to the petitioners and erroneously rejected the present suit without giving any opportunity to the petitioners to put forth their case, and hence, he prays to set aside the rejection order passed by the Court below.

Considering the said facts and circumstances and the grievance of the petitioner, this Court is of the view that the petitioners can be given

an opportunity to put forth their case and the matter can be remanded to the Court below to pass the orders afresh.

Accordingly, the Civil Revision Petition is allowed and the order passed by the Senior Civil Judge in OSSR No.2162 of 2016, dated 06.08.2016, is set aside and the matter is remanded to the Court below to pass orders afresh, after hearing the petitioners. No order as to costs. Miscellaneous Petitions, pending if any, shall stand disposed of.

RAJA ELANGO, J

August 30, 2017.
KTL



