

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.20 OF 2017

DATED:06-01-2017

Between:

Radi Bala Raju
and another

... Petitioners

And

Kolisi Mary (died)
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. M. Karuna Sagar

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.01.12.2016 in E.A. No.363 of 2013 in E.P. No.125 of 2003 in O.S. No.728 of 1998 on the file of the Principal Junior Civil Judge, Visakhapatnam.

After hearing Mr. M. Karuna Sagar, learned counsel for the petitioners, and perusing the record, I am of the opinion that the lower Court has not committed any jurisdictional error warranting interference of this Court in exercise of its revisional jurisdiction. Admittedly the petitioners have suffered a decree for junction. For alleged violation of the said decree, the respondents have filed E.P. No.125 of 2013. The said E.P. was dismissed for default on 10.06.2013. Seeking restoration of the said E.P., the respondents have filed E.A. No.363 of 2013, which by the order under revision, was allowed.

In my opinion, a fair amount of discretion lies in the lower Court in considering the applications for setting aside the *ex parte* orders. Such discretion having been allowed in favour of the persons who obtained the decree which has attained finality, no exception can be taken for the same. I, therefore, do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.28 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

06-01-2017

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