

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CIVIL REVISION PETITION No.5803 of 2016

09.03.2017

Between:

M/s.Jaya Laxmi Housing Company, Hyderabad

..Petitioner

and

Mantena Subba Raju and others

..Respondents

Counsel for the petitioner: Ms.Vladimeer Khatton for Mr.A.L.Raju

Counsel for the respondents: --

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This civil revision petition arises out of order, dated 06.06.2014, in I.A.No.996 of 2013 in O.S.No.445 of 2013 on the file of VII Additional District Judge, (Fast Track Court), Visakhapatnam.

2. The plaintiff in the aforesaid suit filed this revision petition aggrieved by the aforementioned order, whereunder the Court below has held that document No.4 i.e., memorandum of understanding, dated 04.09.2010, was insufficiently stamped and therefore, it is not admissible in evidence in view of Section 35 of the Indian Stamp Act, 1899 and that the said document cannot be received in evidence until and unless the deficit stamp duty and penalty are paid under the aforementioned provision.

3. On 18.01.2017, this Court has adjourned the case on the representation of Mr.A.L.Raju, learned counsel for the petitioner, that the suit out of which the present C.R.P. arises itself was dismissed for default and that the petitioner is awaiting the result of the application filed for restoration of the suit. On 08.02.2017 also, the case was adjourned on a similar representation for awaiting the result of the application for restoration of the suit. Even on 09.02.2017, when a similar request was made, this Court has adjourned the case to today with the rider that no further adjournment will be granted. Even today, Ms.Vladimeer Khatoon, learned counsel representing Mr.A.L.Raju, learned counsel for the petitioner, has repeated the request for adjournment on the same ground viz., that I.A. filed for restoration of the suit is pending. The leaned counsel has not placed before the Court either a copy of the restoration application or at least, provided the number thereof. This Court cannot keep the revision petition pending on the ground of pendency of the

restoration application. Since the very suit itself is non-existent as on today, the C.R.P. does not survive for adjudication.

4. The Civil Revision Petition is, accordingly, dismissed in view of dismissal of the suit. Liberty is, however, given to the petitioner to question the order of the Court below, which is the subject matter of this revision petition, in the event the suit is restored, subject to the law of limitation.

5. As a sequel to dismissal of the C.R.P., C.R.P.M.P.No.7538 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

09th March, 2017
GHN

