

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.4945 OF 2017

ORDER:

Heard Sri M.Rammohan for petitioner.

The present revision is at the instance of the 4th defendant in O.S.No.11 of 2002. On 08.02.2013, the learned III Additional District Judge, Kurnool, passed a preliminary decree and the revision petitioner filed C.F.R.No.8189 dated 14.09.2016 to condone the delay of 1313 days in filing the petition to set aside the ex-parte preliminary decree, dated 08.02.2013.

Mr.Rammohan draws the attention of the Court to the endorsements of return and representation from 19.09.2016 till 12.04.2017 and contends that the objections firstly raised are beyond the administrative examination by the office on the maintainability, even otherwise the petitioner herein has given reply through representation dated 26.09.2016 and the office of III Additional District Judge, Kurnool, if not satisfied with the representation endorsement, ought to have posted the matter before the Court or in the alternative should have numbered the I.A. and allowed the contesting parties to come and raise the objections both in law and facts. According to him, the represented return of an application is denying either chance or opportunity before the trial Court. Therefore, he prays for appropriate directions.

The grievance of petitioner in getting the application numbered is clearly brought to the notice of the Court. This Court is in substantial agreement with the objections raised by Mr. Rammohan, as the application is at the SR stage, without expressing further view in this behalf, the learned III Additional District Judge, Kurnool, is directed to look at the return and representation endorsements and if the petition is otherwise in order, direct the office to number and issue notice to contesting respondents. It is made clear that numbering of the application or accepting the representation endorsement of petitioner cannot and could not be treated as expressing any view either by this Court or by the trial Court. All objections available to contesting parties can always be raised in the counter affidavits, they intend to file in this behalf.

The Civil Revision Petition is ordered, as indicated above.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

Registry is directed to return original I.A.(C.F.R.No.8189)/2016 to the counsel for petitioner.

S. V. BHATT, J

Dt: 19.09.2017

Prv

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