

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.1044 OF 2015

ORDER:

This petition is filed under Article 227 of the Constitution of India, challenging the order in I.A.No.96 of 2014 in I.A.No.986 of 1987 in O.S.No.798 of 1980 dated 23.02.2015 passed by the I Additional Junior Civil Judge, Kakinada, dismissing application filed under Order IX Rule 13 C.P.C to set-aside the preliminary decree dated 27.07.1987 passed in O.S.No.798 of 1980.

The petitioners have come on record as defendants no.15 to19, claiming to be predecessors prior to filing of the suit. In I.A.No.96 of 2014, they filed petition under Order IX Rule 13 C.P.C on various grounds, mainly on the ground that there is collusion between the respondents 1 to 4. Later several proceedings went on and this Court in C.R.P.No.5127 of 2014 dated 20.01.2015 permitted the petitioners to raise any objection about the collusive nature of the decree will be examined independently and simultaneously. It was further observed that, the objection of the petitioners for securing the allegation of the property purchased by them to the share of their predecessor in interest shall also be examined, while working out the equities amongst various sharers in the final decree proceedings.

However, during hearing, learned counsel for the petitioners requested this Court to permit the petitioners to raise objections as observed in C.R.P.No.5127 of 2014.

Acceding to the request of the learned counsel for the petitioners, the petitioners are permitted to raise objections as observed in C.R.P.No.5127 of 2014.

With the above observation, the civil revision petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:30.06.2017

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