

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 6543 of 2016

Order:

The notice to the respondents in the instant case is dispensed with, since the application filed by the petitioner in O.S.No.75 of 2003 on the file of the Junior Civil Judge, Darsi, Prakasam District, was not numbered and it was rejected even before numbering.

An application was filed by the petitioner, under Order 1 Rule 10(2) read with Section 151 of CPC, in O.S.No.75 of 2003 on the file of the Junior Civil Judge, Darsi, Prakasam District, on the ground that the second defendant, who executed a Will Deed on 23.12.2014, died on 24.02.2015 during the pendency of the present suit. The said Will is a registered Will and in the circumstances the lower Court should have numbered the application filed by the petitioner and issued notice to the other side. The lower Court should not have decided the merits of the case at the threshold.

In the circumstances, the impugned order dated 11.11.2016 is set aside and the trial Court is directed to number the application filed by the petitioner and dispose of the same in accordance with law without being influenced by the observations made by it on 11.11.2016.

The Civil Revision Petition is, accordingly, allowed. There shall be no order as to costs. The miscellaneous petitions, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 06.01.2017
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