

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5630 of 2017

ORDER :

This Civil Revision Petition is filed by the petitioner/ defendant, aggrieved by the order dated 21.07.2017 in I.A.No.986 of 2016 in O.S.No.1099 of 2016 passed by the V Senior Civil Judge, City Civil Court, Hyderabad.

Heard both sides.

A perusal of the impugned order, one way justifies, particularly, from para-3 that the defendant/ respondent did not turn up, even appearing through advocate for filing counter in deciding the matter, by treating no counter, to oppose the petition. However, it is the submission that there is already a counter-claim to the suit filed by the defendant way back in March, 2017, whereas, the order passed by the trial Court is on 21.07.2017 and by then the counter-claim to be read as written statement and at best to his counter to oppose, once pending, that could have been at least considered by the Court, leave about the other things, counter to this application also filed on 21.07.2017 i.e. on the date of dismissal of the said application.

Having regard to the above, the Civil Revision Petition is allowed by setting aside the order dated 21.07.2017 in I.A.No.986 of 2016 in O.S.No.1099 of 2016 passed by the V Senior Civil Judge, City Civil Court, Hyderabad, and the petition is restored to the file of the trial Court to give fresh hearing and disposal on merits within ten days from the date of receipt of copy of this order. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:30-10-2017

Note:

Issue C.C. tomorrow.

B/o.
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