

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.6136 of 2017

ORDER:

The present Civil Revision Petition is filed by the petitioner/plaintiff praying this Court to direct the trial Court to dispose of O.S.No. 12 of 2012 expeditiously.

2. When the matter came up for hearing, this Court found that this CRP is filed not against any order which went against the petitioner. When questioned, the learned counsel for petitioner/plaintiff as to how the CRP is maintainable, he would submit that the petitioner/plaintiff is 77 years old gentleman and he filed the suit for partition and in view of the fact that he being a senior citizen, the trial Court ought to have disposed of the suit at the earliest, but in spite of his representations, the matter is kept pending and therefore, he is suffering a lot.

3. Learned counsel would submit that the defendants were set *ex-parte* in the suit and they filed a petition to set aside the ex-parte order along with a delay condonation petition and the delay was condoned but *ex-parte* set aside petition is pending now and that is the stage of the suit.

4. In view of the above submission, the petitioner/plaintiff is given liberty to move an application before the trial Court to consider his old

age and take up the suit and dispose of the same on merits at the earliest, in which case, the trial Court shall dispose of the said petition on merits having regard to the work load and other old matters pending in the said Court.

5. The Civil Revision Petition is disposed of accordingly. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 24.11.2017

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Note: Furnish copy by Monday

