

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.5568 of 2017

ORDER: (per Justice Sanjay Kumar)

This civil revision petition under Section 115 C.P.C. arises out of the order dated 01.06.2017 passed by the learned I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.20 of 2015 in O.S.No.188 of 2012. The said I.A. was filed by the revision petitioners/plaintiffs seeking review of the judgment passed by the Court below in O.S.No.188 of 2012. This judgment was passed as long back as on 21.04.2014 and the review petition was filed only in the year 2015. By the order under revision, the Court below dismissed the review petition holding that the judgment in the suit did not contain any element to be reviewed.

Sri A.Anand Rao, learned counsel for the revision petitioners, would fairly state that his clients failed to file an appeal against the judgment in the suit awaiting the result of the review petition and that they would proceed to do so now. Learned counsel would however voice the apprehension that any observations made in the order under revision may influence the Court of appeal.

This Court finds no merit in this submission as the Court of appeal, being a superior Court, would not be bound by any of the observations made by the Court below. The appeal, if entertained, would be adjudicated on its own merits and in accordance with law and the findings recorded by the Court below, be it in the original judgment or in the review order, would not be binding upon the appellate Court.

Subject to these observations, the civil revision petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

SANJAY KUMAR, J

Date: 27.10.2017
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