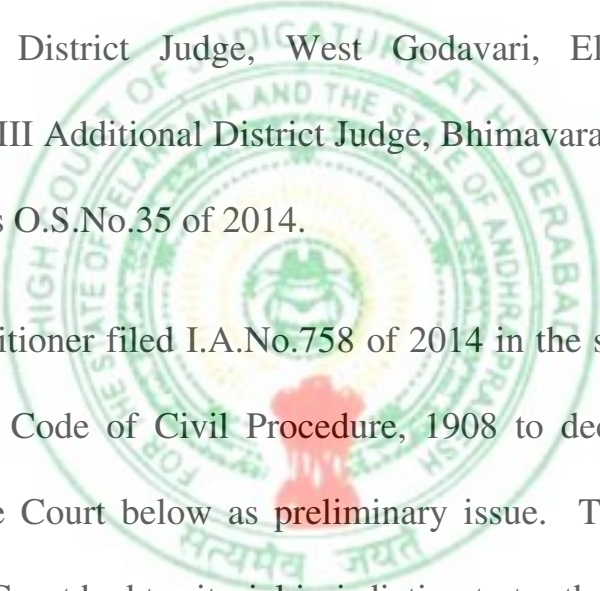


THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.5539 of 2017

ORDER :

This Revision is filed by the petitioner challenging the order dt.11.08.2017 in I.A.No.758 of 2014 in O.S.No.35 of 2014 on the file of III Additional District Judge, Bhimavaram.

2. The petitioner is the defendant in the said suit.
3. The said suit had been filed as O.S.No.8 of 2005 on the file of I Additional District Judge, West Godavari, Eluru, and later transferred to III Additional District Judge, Bhimavaram, where it was renumbered as O.S.No.35 of 2014.
4. The petitioner filed I.A.No.758 of 2014 in the suit under Order 14 Rule 2 of Code of Civil Procedure, 1908 to decide Issue No.1 framed by the Court below as preliminary issue. The said issue is “whether the Court had territorial jurisdiction to try the suit?”.
5. After considering the contentions of both parties and taking into account the counter-claim filed by the petitioner to the suit claim, the Court below rejected the request of the petitioner to decide the said issue as a preliminary issue observing that the fact that petitioner filed counter-claim indicates that part cause of action arose at Bhimavaram.
6. Assailing the same, the present Civil Revision Petition is filed.

7. Though counsel for petitioner contended that the order passed by the Court below is erroneous and cannot be sustained, and that no part of cause of action arose within the jurisdiction of the Bhimavaram Court, since the suit is of the year 2005 and has been already pending for more than twelve years, without going into the contentions raised by the petitioner, I deem it appropriate to direct the III Additional District Judge, Bhimavaram, to decide the suit expeditiously within four (04) months from the date of receipt of a copy of the order uninfluenced by the view expressed by him in the order dt.11.08.2017 in I.A.No.758 of 2014 in O.S.No.35 of 2014.

8. Accordingly, the Civil Revision Petition is dismissed at the stage of admission. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-10-2017

Ndr/*