

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.6247 OF 2017

ORDER:

Heard counsel for the revision petitioner/plaintiff and perused the grounds urged in the petition and the impugned order of the lower court.

2. Notice given to the counsel on record for R2 and R3, Sri Madhava Rao and for R5 Sri Venkata Reddy and proof of such acknowledgment by them filed beside sending notices to the parties by registered post is a sufficient service with no representation for those respondents. Leave about R4, R6, R7 and R8 did not even enter appearance before the trial court as it is for non-payment of process ordered in the suit to them as LR of late 1st defendant, a dismissal order is passed against them on 03.10.2017 and to set aside that dismissal order, I.A.No.1554 of 2017 filed and on 02.11.2017, the petitioner in the said petition reported not ready, thereby I.A.No.1554 of 2017 is dismissed, it is the same now impugned.

3. In fact, with I.A.No.1554 of 2017, the petitioner/plaintiff ought to have filed the process to set aside the order dated 03.10.2017, as order dated 03.10.2017 itself is for non-payment of process.

4. Having regard to the above, instead of giving life to the litigation, while setting aside the dismissal order of the lower court in I.A.No.1554 of 2017 and by restoring the same, petitioner is permitted to submit process on or before 28.11.2011 and if at all filed, the trial court shall issue notice to the said respondents 4, 6, 7 and 8, including by personal service and proceed with the matter.

5. Accordingly and with the above observation, this civil revision petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

22.11.2017

*Note: issue C.C. by 27.11.2017
B/o.SS*

DR.B.SIVA SANKARA RAO, J

