

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.539 of 2018

ORDER:

The petitioner is the 15th defendant in O.S.No.652 of 2008 on the file of the learned III Additional District Judge, Ranga Reddy District at L.B.Nagar. He was set *ex parte* in the said suit on 20.06.2011. He filed I.A.No.726 of 2017 in the suit under Order 9 Rule 7 CPC to set aside the said order and permit him to file his written statement to meet the ends of justice. By order dated 30.10.2017, the trial Court dismissed the I.A. Hence, this civil revision petition under Article 227 of the Constitution.

Heard Sri N.Vijay, learned counsel for the petitioner/15th defendant, and Sri P.V.Sanjeeva Rao, learned counsel for the 1st and 2nd respondents, the plaintiffs in the suit.

Sri N.Vijay, learned counsel, would state that the 16th defendant in the suit, who is a co-purchaser along with the 15th defendant under the same document, has already filed his written statement and therefore, his client cannot take a different stand at this stage. Learned counsel would therefore state that his client may be permitted to file a Memo adopting the written statement already filed by the 16th defendant and advance arguments in the main case.

Sri P.V.Sanjeeva Rao, learned counsel for the respondents/ plaintiffs, fairly states that he has no objection in the event the petitioner/15th defendant merely adopts the written statement already filed by the 16th defendant and does not introduce anything new.

In view of the above, the civil revision petition is allowed setting aside the order dated 30.10.2017. The petitioner/15th defendant is permitted to file a Memo adopting the written statement filed by the

16th defendant in the suit. As this Court is informed that the matter is at the stage of arguments, the petitioner/15th defendant shall also be permitted by the trial Court to advance arguments on the merits of the matter.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

Date:29.03.2018

Note:

Furnish C.C. by 02.04.2018.

(B/o) GJ

