

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.563 OF 2018

ORDER :

This Civil Revision Petition is filed against order dated 21.08.2017 in I.A.No.834 of 2010 in I.P.No.19 of 2009, wherein and whereby the application of the petitioners filed under Order I Rule 10, Order 6 Rule 17 of CPC to implead themselves as respondents 64 to 70 was dismissed holding that there are no changed circumstances and that they have not filed original promissory notes or at least copies of promissory notes along with the petition.

Heard learned counsel for the petitioners, who submits that earlier Interlocutory Application filed by the petitioners to implead themselves as respondents 64 to 70 was dismissed for default on 28.11.2011 in I.A.No.834 of 2010 in I.P.No.19 of 2009 and the same was restored on 04.06.2013 in I.A.No.1289 of 2012 in I.A.No.834 of 2010 in I.P.No.19 of 2009 and the documents filed by the petitioners were also received in I.A.No.1290 of 2012 in I.A.No.834 of 2010 in I.P.No.19 of 2009 on 04.06.2013. He submits that the Court below ignoring the aforesaid facts, without any application of mind, passed the impugned order.

Though notice is served on the 1st respondent and also on his counsel, there is no representation on behalf of the 1st respondent. However, there is an endorsement stating that 'the party has left', as such, the same is deemed to be serving of notice on the 1st respondent.

A perusal of the order dated 04.06.2013 in I.A.No.1289 of 2012 in I.A.No.834 of 2010 in I.P.No.19 of 2009 goes to show that dismissal of application in I.A.No.834 of 2010 in IP No.19 of 2009 was set aside and the documents filed by the petitioners were also received in I.A.No.1290 of 2012 in I.A.No.834 of 2010 in I.P.No.19 of 2009.

It is quite unfortunate that the Court below has not considered the aforesaid aspect and passed the impugned order without any application of mind. The Court below dismissed the application filed by the petitioners in a very casual manner by making irrelevant observations. It is stated that the petitioners have filed promissory notes alleging that they are creditors of the 1st respondent.

In view of above facts and circumstances, the impugned order in I.A.No.834 of 2010 in I.P.No.19 of 2009 dated 21.08.2017 is set aside and same is allowed.

Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

A.RAJASHEKER REDDY, J

11.04.2018
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