

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.1328 of 2018

ORDER:

This revision is filed by the petitioner/plaintiff, aggrieved by the order dated 30.10.2017 in C.M.A.No.12 of 2013, wherein the learned VII Additional District Judge, Prakasam District at Ongole, set aside the order dated 04.02.2013 in I.A.No.374 of 2012 passed by the Principal Senior Civil Judge, Parchur.

2. Heard.

3. As per very Section 21 of C.P.C. bar of jurisdiction from inherent lack of jurisdiction covered by any express provisions or implied as the case may be no way enables the civil Court to invoke Section 9 of C.P.C. even in a suit of civil nature to entertain and there is no question of waiver for the inherent lack of jurisdiction concerned, but for, territorial and pecuniary as the case may be and because of Section 145 of the Electricity Act 36 of 2003, there is a bar even to question provisional or final assessments made under 126/ 127 of the Act, but for, to avail the statutory remedies.

4. Having regard to the above, the Civil Revision Petition is disposed of granting time to the revision petitioner/plaintiff to avail statutory remedy of appeal on or before 15.6.2018, failing which there is no bar for the respondent-authorities to proceed in accordance with law without any further reference to this Court. In the meantime, there shall be suspension of the provisional assessment.

5. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

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JUSTICE Dr. B.SIVA SANKARA RAO

Date: 20.04.2018

Note:

Issue C.C. in one week.

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