

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.1634 OF 2018

ORDER:

This civil revision petition is filed by the petitioners/plaintiffs aggrieved by the docket order dated 19.01.2018 passed in AS (SR) No.3087 of 2017 on the file of II Additional District Judge, Nalgonda at Suryapet.

2. As per the docket order dated 19.01.2018, the unnumbered appeal was returned by the lower appellate court on the ground that the earlier objections were not complied with. While so, when the matter came up for hearing today, learned counsel for petitioners would submit that the petitioners filed O.S.No.35 of 2016 on the file of Junior Civil Judge, Thungathurthy and the said suit was dismissed for default as per order dated 28.10.2016 and against the said order, the petitioners filed AS (SR) No.3087 of 2017, which was returned by the court for not filing the certified copy of the judgment of the trial court. When the aforesaid matter was pending, the petitioners filed an application under Order IX Rule 9 CPC to set aside the *ex parte* decree before the trial court and since there was a delay in filing the said petition, they filed I.A.No.20 of 2018 to condone the delay and those petitions are now pending before the trial court and in that view of the matter, the petitioners are not proposing to prosecute unnumbered AS (SR) No. 3087

of 2017 before II Additional District Judge, Nalgonda at Suryapet and consequently, they are also not pressing the instant civil revision petition and therefore, this civil revision petition may be dismissed. Learned counsel for petitioners prayed that a direction may be given to the trial court to dispose of I.A.No.20 of 2018 expeditiously.

3. In view of the above submission, this civil revision petition is dismissed as not pressed, with a direction to the Junior Civil Judge, Thungathurthy, to dispose of I.A.No.20 of 2018 on merits at the earliest.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

16.08.2018
SS

U.DURGA PRASAD RAO, J

