

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.1854 of 2018

ORDER:

Heard Sri J. Sridhar, learned counsel on behalf of Sri D. Madhava Rao, learned counsel for the revision petitioners.

Precisely, the request made in the present revision is to direct the learned Junior Civil Judge at Narsapur, Medak District, to dispose of I.A.No.400 of 2008 in O.S.No.7 of 2001 on his file, as there has been no improvement despite a similar order passed earlier by this Court on 12.02.2016 in CRP.No.656 of 2016.

Perused the order dated 12.02.2016, which is made available in the material papers. What has been now sought for was the similar relief sought for in CRP.No.656 of 2016. Some of the docket orders passed by the learned Junior Civil Judge in I.A.No.400 of 2008 have been filed in the material papers for perusal of this Court. The last of such docket orders is dated 04.07.2017, which reads thus:

“Petitioner counsel reported no objection with regard to the Commissioner report. For clarification if any basing on the preliminary decree call on 24.07.2017.”

Learned counsel would submit that I.A.No.400 of 2008 was filed for passing of final decree as per the report of Commissioner and I.A.No.401 of 2008 was filed for passing of final decree in terms of preliminary decree by appointing an Advocate Commissioner. He would also submit that the Advocate Commissioner has filed his report.

Obviously, in the presence of earlier order, dated 12.02.2016, passed in CRP.No.656 of 2016, even if yet another order is passed, it would be of any consequence, rather than the purpose being served. But the remedy lies elsewhere.

Hence, the Civil Revision Petition is disposed of, leaving it to the wisdom of the petitioner to resort to appropriate application invoking appropriate provision for shifting of the matter, in case he opines that the Court below is not proceeding with and not capable of proceeding with.

Miscellaneous Petitions, if any, pending in the present revision, stand closed. No order as to costs.

21.03.2018
v v

A. SHANKAR NARAYANA, J

