

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.3571 OF 2017

ORDER:

Heard Sri Janardhana Reddy Ponaka, learned counsel for the revision petitioner, and perused the order under revision including the material on record.

2. No representation for the respondent - plaintiff.

3. The learned Senior Civil Judge, Markapur, by his order dated 20.03.2017 in I.A. No.354 of 2016 in O.S. No.174 of 2015, while allowing the application filed under Order - IX Rule - 13 of Code of Civil Procedure, 1908, setting aside the *ex parte* decree passed in the above suit on 07.01.2016, imposed a condition requiring the petitioner - defendant to deposit half of the suit amount to the credit of the suit on or before 31.03.2017 with default clause that in case he does not deposit, the application stands dismissed. Challenging the said condition, the present Civil Revision Petition is preferred.

4. Certainly, such a condition cannot be imposed when the provisions of Order - IX Rule - 13 of the Code of Civil Procedure, 1908, do not contemplate or require any condition to be imposed. However, costs can be imposed.

5. Therefore, the present Civil Revision Petition is allowed modifying the condition imposed, referred to in the above, by

substituting the same with costs of Rs.10,000/- (Rupees ten thousand only) payable to the respondent - plaintiff within two (2) weeks from the date of receipt of a copy of the order. Failure to comply with the said condition would entail in dismissal of the present civil revision petition. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present civil revision petition stands closed.

March 23, 2018.
PV

A. SHANKAR NARAYANA, J

