

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION NOs.2750 AND 2808 OF 2018

Dated 20th July 2018

1. CRP.NO.2750 OF 2018

Between:

1. Penthala Malla Reddy, S/o. Venkat Reddy and one other.

...Petitioners

And

1. Kudikala Swamy, S/o.Mallaiah and one other.

...Respondents

AND

2. CRP.NO.2808 OF 2018

Between:

1. Penthala Malla Reddy, S/o. Venkat Reddy and one other.

...Petitioners

And

1. Kudikala Swamy, S/o.Mallaiah and one other.

...Respondents

The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION NOs.2750 AND 2808 OF 2018

COMMON ORDER:

When E.A.No.141 of 2016 in E.P.No.635 of 2013 in O.S.No.1040 of 2012 on the file of the Principal Junior Civil Judge, Warangal, was called on 11.04.2018, according to the order under revision, P.W.1 was called absent and though the Court waited till 12 noon, there was no representation. Holding that conditional order passed was not complied, E.A.No.141 of 2016 was dismissed. CRP.No.2750 of 2018 is filed challenging the said decision. In E.P.635 of 2013 the Court below held that the judgment-debtor was absent, though sufficient time was granted and hence, warrant was issued under Rule 35 on payment of costs. Against this order, CRP.No.2808 of 2018 is filed.

2. Heard the learned counsel for the petitioners and the learned counsel for the first respondent. None appeared for the second respondent.

3. As seen from the order dated 11.04.2018 in E.A.No.141 of 2016, it appears P.W.1 was called absent and was not present only on that particular day. Having regard to this fact, this Court is of the opinion that the Court below ought to have given one more opportunity to the petitioners instead of dismissing the E.A.

4. Hence, the order dated 11.04.2018 passed in E.A.No.141 of 2016 is set aside. Consequently, the order in E.P.No.635 of 2013 is also set aside. Parties are directed to appear before the Court below on the date fixed by it and the petitioners shall co-operate for early disposal and shall not seek any further adjournment. The matter is remitted to the Court below.

5. E.A.No.141 of 2016 shall be disposed of within two (2) months from the date of receipt of a copy of this order. Both the Civil Revision Petitions are allowed subject to payment of costs of Rs.1,000/- (Rupees one thousand only) to the respondents' counsel. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

20th July 2018
RRB

