

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No. 3612 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by one of the legal representatives of the preliminary decree holders in O.S.No.24 of 1966 on the file of the Court of the learned Additional Senior Civil Judge, Ongole at Prakasam District.

2. I have heard the submissions of the learned counsel for the petitioner at the stage of admission. As this Court is inclined to dispose of the revision at the stage of admission, having regard to the subject matter, no notices are ordered to the respondents, who contested the proceedings before the trial Court.

3. I have perused the material record.

4. The facts necessary to be stated as a prelude to this order are as under: "The learned Additional Senior Civil Judge, Ongole, in his order, dated 09.09.2015, passed in I.A.No.200 of 2012 in the afore-stated suit, *inter alia* observed that the application filed by the petitioner claiming final decree without seeking leave of the Court is not maintainable and, therefore, the same deserves to be dismissed. Accordingly, he dismissed the said Interlocutory Application. Therefore, the petitioner

filed I.A.No.1390 of 2015 seeking leave to file the final decree proceedings. The present grievance of the petitioner is that though the submissions of the petitioner are already made in the said Interlocutory Application, the learned Judge of the trial Court is simply adjourning the matter and is not disposing of the said interlocutory application.

5. Learned counsel for the petitioner submits that in view of the settled law, till final decree is passed, a partition suit continues to be pending and, hence, the trial Court ought to have disposed of the Interlocutory Application as expeditiously as possible; but, the trial Court is not doing so and, therefore, the present revision petition is filed.

6. Having regard to the facts and submissions, and considering the fact that the suit is of the year 1966, this Court is of the considered view that this revision petition can be disposed of with appropriate directions.

7. Accordingly, the Civil Revision Petition is disposed of directing the learned Additional Senior Civil Judge, Ongole, to dispose of I.A.No.1390 of 2015 in O.S.No.24 of 1966, as expeditiously as possible and preferably, within six weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed
in the light of this final order.

M. SEETHARAMA MURTI, J

Date: 03.08.2018

Note: Issue CC by 08.08.2018

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