

THE HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
THE HONOURABLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.1389 of 2016

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The respondents in W.P.No.22030 of 2001 are in appeal aggrieved by the order dated 05.07.2016 passed by a learned Judge of this Court allowing the said writ petition and setting aside the order dated 01.09.2001 impugned therein.

Perusal of the order under appeal reflects that the learned Judge noted as under in so far as representation on behalf of the appellants-respondents was concerned:

“2. Appeared none on behalf of the respondents on the last date of hearing i.e., on 28.06.2016 and this court made it clear that if on the next date of hearing the respondents are not represented, the matter will be decided in their absence. However today, they remained absent. Therefore, this court has no option but to proceed with the matter.”

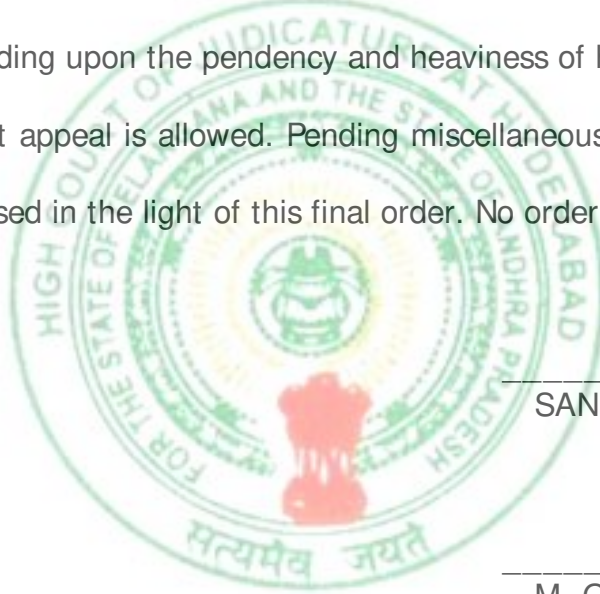
Dr.K.Lakshmi Narasimha, learned counsel for the appellants, would state that his name was wrongly shown in the cause list as Dr.K.Laxminarasimha instead of Dr.K.Lakshmi Narasimha, as is usually shown in terms of the computer code numbers given to him. Details in this regard are set out in para 1 of the affidavit filed in support of the suspension petition in W.A.M.P.No.2952 of 2016 filed in this writ appeal.

While so, Sri P.S.Rajasekhar, learned counsel appearing for the respondent-writ petitioner, would fairly state that the appellants-respondents were not given an opportunity of hearing before the allowing of the writ petition by the learned Judge *vide* the order under appeal be it

for whatever reason and that he has no objection to the matter being remanded for consideration afresh upon hearing both sides.

In the light of this fair concession made by the learned counsel for the respondent-writ petitioner, the order under appeal is set aside and W.P.No.22030 of 2001 is remitted for consideration afresh. Dr.K.Lakshmi Narasimha, learned counsel, shall take care to check the cause list by taking into account the new spelling of his name as has been indicated in the order under appeal, viz., Dr.K.Laxminarasimha. In the light of the fact that this is the second round, the learned Judge having the roster to hear the matter is respectfully requested to give priority to the subject writ petition depending upon the pendency and heaviness of his board.

The writ appeal is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR,J

M. GANGA RAO, J

Date: 26.12.2018
IBL