

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.3241 OF 2018

ORDER:

The present revision petition, under Article 227 of the Constitution of India, is filed aggrieved over the docket order, dated 09.04.2018, passed in I.A.No.454 of 2018 in O.S.SR.No.913 of 2016 on the file of learned Principal District Judge, Khammam.

2. Heard Sri Venkateswarlu Chakkilam, learned counsel for the revision petitioner.

3. Learned counsel for the revision petitioner would submit that when a request was made to condone the delay of 443 days in resubmitting the suit, the learned Principal District Judge, by the impugned order, dated 09.04.2018, dismissed the application.

4. As could be seen from the order under challenge, it does not necessitate issue of notice to the respondents, since, the matter is between the Court and the party.

5. The order under challenge reads thus:

“No valid reason is assigned for inordinate delay of 443 days in resubmitting the suit. Hence, petition is dismissed.”

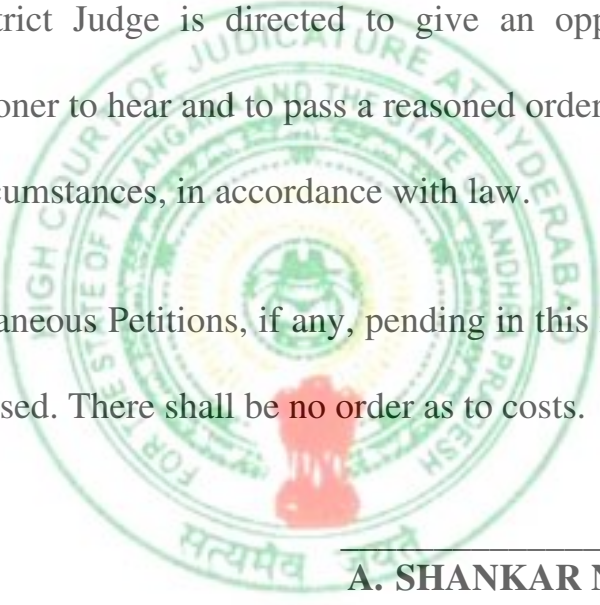
6. In the affidavit filed accompanying I.A.No.454 of 2018, certain factual aspects have been narrated in paragraph Nos.2 and 3, more particularly, in paragraph No.3, certain reasons have been

assigned. They were not reflected in the order, which is under challenge now. In such an event, certainly, it is a matter where the case has to be remitted to the Court below to give an opportunity to the revision petitioner to hear and to pass a reasoned order.

7. Accordingly, the Civil Revision Petition is allowed setting aside the order, dated 09.04.2018, passed in I.A.No.454 of 2018 in O.S.SR.No.913 of 2016 on the file of learned Principal District Judge, Khammam. I.A.No.454 of 2018 is restored to file. The learned Principal District Judge is directed to give an opportunity to the revision petitioner to hear and to pass a reasoned order in the aforesaid I.A. in the circumstances, in accordance with law.

Miscellaneous Petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

June 15, 2018.
MD

A. SHANKAR NARAYANA, J