

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3384 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 10.04.2018 passed in I.A.No.176 of 2017 in O.S.No.1504 of 2014 on the file of the XXII Junior Civil Judge, City Civil Court at Hyderabad.

2. A perusal of the record reveals that the respondent filed O.S.No.1504 of 2014 on the file of the XXII Junior Civil Judge, City Civil Court at Hyderabad against Swamy Vivekananda Educational Society represented by its Secretary-cum-Correspondent, Sri P.J.Srinivasa Rao-the petitioner herein. Initially the petitioner engaged a counsel by name K.V.Krishna Rao. Subsequently, the petitioner filed I.A.No.176 of 2017 in O.S.No.1504 of 2014 seeking permission of the Court to change the counsel. The respondent filed counter stating that the petitioner was suspended from the Society as its Secretary-cum-Correspondent. The trial Court dismissed the petition with an observation that the petitioner did not file any document to establish that his suspension was revoked by competent Authority. Learned counsel for the petitioner strenuously submitted that no document was filed before the trial Court to establish that P.J.Srinivasa Rao was suspended by competent Authority as Secretary-cum-Correspondent of Swamy Vivekananda Educational Society.

3. Whether P.J.Srinivasa Rao is continuing as Secretary-cum-Correspondent of the Society or some other person is continuing as such, as on the date of filing of the petition, has to be decided by the trial Court.

4. Having regard to the facts and circumstances of the case, this Court is of the considered view that it is a fit case to set aside the order dated 10.04.2018 passed in I.A.No.176 of 2017 in O.S.No.1504 of 2014 on the file of the XXII Junior Civil Judge, City Civil Court at Hyderabad

5. In the result, the Civil Revision Petition is allowed setting aside the order dated 10.04.2018 passed in I.A.No.176 of 2017 in O.S.No.1504 of 2014 on the file of the XXII Junior Civil Judge, City Civil Court at Hyderabad, and remanding the same to the trial Court. The trial Court is hereby directed to dispose of I.A.No.176 of 2017 in the light of the provisions of the Civil Procedure Code. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

Date: 29.06.2018
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T.SUNIL CHOWDARY, J

