

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CRP.No. 3639 of 2018

ORDER:

This revision petition is filed questioning the docket order dated 23.01.2018 in IA.No.3 of 2018 in the un-numbered suit of the year 2015.

Learned counsel submits that initially, he filed an application IA.No.73 of 2016 for condonation of delay of 400 days in filing the plaint. The said petition was allowed with costs of Rs.600/- with a condition to pay the same on or before 06.06.2016. As the said order could not be complied with, the suit was dismissed for default on 06.06.2016.

Later, the petitioner appears to have filed an application (IA.No.3 of 2018) to condone the delay of 94 days in filing the petition for restoration of the un-numbered suit, which was allowed. The same is challenged in this revision. The counsel for the petitioner has filed the certified copy of the order and states that this application was allowed on 23.01.2018 without notice to his client, who is defendant in the suit and argues that there should be suspension of the docket order made in IA.No.3 of 2018.

This Court is of the opinion that at this stage, suspension of the order will only lead to complications and further delay; as the only grievance is that there is no notice to the revision petitioner.

On consideration of the facts and circumstances of the case, the docket order passed in IA.No.3 of 2018 without notice to the present appellant is set aside and the case is remanded to the Court below with a direction to hear both the parties in the suit and to pass appropriate orders in IA.No.3 of 2018 within three weeks from the date of receipt of a copy of this order.

With this direction, the Civil Revision Petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this revision shall stand closed.

Date: 06.07.2018
KLP

D.V.S.S.SOMAYAJULU, J