

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.4764 of 2018

ORDER:

The matter is taken up by way of the Lunch Motion moved by the first respondent herein.

The grievance of the petitioner in this civil revision petition under Article 227 of the Constitution was that the learned XIV Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, was not taking up the application filed by it in I.A.No.491 of 2018 in O.S.No.21 of 2009 under Order 7 Rule 11 CPC but was proceeding with arguments in the main case.

By order dated 04.09.2018, this Court granted interim stay of further proceedings in the suit opining that the question as to whether the trial Court could proceed with the main suit when an application under Order 7 Rule 11 CPC is pending required examination.

I.A.No.2 of 2018 was filed by the first respondent-plaintiff to vacate the aforestated order.

Sri S.Niranjan Reddy, learned senior counsel appearing for Mirza Safiulla Baig, learned counsel for the first respondent-plaintiff, would submit that they have no objection to the trial Court first considering the Order 7 Rule 11 CPC application filed by the first defendant in the suit, the petitioner herein.

In that view of the matter, the civil revision petition is disposed of directing the learned XIV Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, to give priority of hearing to I.A.No.491 of 2018 filed in O.S.No.21 of 2009 by the petitioner-first defendant under Order 7 Rule 11 CPC and only thereafter take up further proceedings in

the suit. The trial Court shall endeavour to dispose of the said application expeditiously and preferably within three weeks from the date of receipt of a copy of this order.

Interim order dated 04.09.2018 shall stand vacated. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

Date:14.09.2018

PGS/GJ

