

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.5454 of 2018

ORDER:

This petition under Article 227 of the Constitution of India is filed questioning the action of the Principal Senior Civil Judge, Anantapuram (for short, 'the trial Court'), in not disposing of the I.A.No.64 of 2018 in O.S.No.494 of 2013, alleging that the petitioners herein are defendants before the trial Court and the respondent herein filed the suit for cancellation of Registered Partition Deed dated 11.04.2012 in Document No.790 of 2012, but the suit was decreed exparte by order dated 10.02.2016; and the petitioners herein filed I.A.No.64 of 2018 to set aside the exparte decree passed in the suit, but for one reason or the other, the trial Court did not register the petition though it was filed in the year 2016 and kept the petition pending for one or the other reasons. However, the petitioner is now seeking disposal of the application I.A.No.64 of 2018 in O.S.No.494 of 2013 pending before the trial Court.

When the suit was filed for cancellation of document and decreed exparte, the consequences of such cancellation are serious in nature and on account of passing decree exparte there is a possibility of subsequent transactions. Though the petitioner filed petition under Order IX Rule 13 r/w 151 CPC, the trial Court did not dispose of the application without any reason and, therefore, taking into consideration the facts and circumstances of the case including the

nature of decree, I deem it appropriate to direct the trial Court to dispose of the I.A.No.64 of 2018 in O.S.No.494 of 2013 as expeditiously as possible, in any event not later than one month from the date of receipt of a copy of this order.

With the above direction, the civil revision petition is disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

06th December, 2018

Note: Issue C.C. by 10.12.2018
B/o KSM

M. SATYANARAYANA MURTHY, J



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