

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.5601 OF 2018

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, questioning the service of notice in I.A.No.124 of 2018 in Unnumbered Revision Petition of 2018 in C.M.A. No.8 of 2017 dated 02.05.2018 passed by the IX Additional District Judge at Wanaparthy.

The sole ground raised before this Court is that, the notice was served in I.A.No.124 of 2018 in Unnumbered Revision Petition of 2018 in C.M.A. No.8 of 2017 is not in proper form and the learned counsel contended that, it must in Form No.14 of Appendix 'G' of C.P.C and therefore, the notice is sought to be set-aside.

During hearing, Sri V. Hanumanth Rao, learned counsel for the petitioners drawn attention of this Court to the contents of the notice and the notice pertaining to an appeal from a decree of the court. But, it was not a notice in I.A.No.124 of 2018 for condonation of delay.

Undoubtedly, it is not in dispute that an appropriate form of notice was not served. In spite of serving notice in Form No.14 of Appendix 'G' of C.P.C, the Court below issued notice in I.A.No.124 of 2018 under Order 41 Rule 14 C.P.C. But, the notice has to be issued in Form No.14 of Appendix 'G' of C.P.C, as contended by the learned counsel for the petitioners.

However, this is not the stage for issue of such notice in Form No.14 of Appendix 'G' of C.P.C and that would arise only after registration of review petition, after codonation of delay. Therefore, this contention is without any substance. Moreover, the notice is only to bring to the knowledge of the petitioners about pendency of I.A.No.124 of 2018 in Unnumbered Revision Petition of 2018 in C.M.A. No.8 of 2017 dated 02.05.2018 before Court of IX Additional District Judge at Wanaparthi. Therefore, the petitioners are directed to appear before the Trial Court and file their objections, if any. With regard to maintainability of the revision, the same cannot be decided in a petition filed under Article 227 of the Constitution of India, ordering notice in I.A.No.124 of 2018, which is filed under Section 5 of Limitation Act, as the jurisdiction of this Court is limited. Therefore, it is left open to these petitioners to raise all their contentions regarding maintainability of the revision before the Appellate Court in C.M.A.No.8 of 2017.

With the above observation, the civil revision petition is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:23.11.2018

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