

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.4239 of 2017

ORDER:

1 This Civil Revision Petition is filed under Article 227 of the Constitution of India, assailing the order dated 27.06.2017 passed in I.A.No.441 of 2016 in O.S.No.105 of 2007 on the file of the Court of the Principal Junior Civil Judge, Kalwakurthy.

2 At the time of arguments, learned counsel for both parties submitted that the respondent No.1/ defendant No.1 filed I.A.No.41 of 2016 under Order VIII Rule 1 CPC to receive the certificate issued by Panchayat Secretary and Tahsildar. A perusal of the impugned order reveals that the trial court passed orders as if I.A.No.441 of 2016 was filed by the petitioner / plaintiff, which is factually incorrect.

3 Having regard to the facts and circumstances of the case, this court is of the considered view that this is a fit case to set aside the impugned order and remand the matter to the trial court for fresh disposal.

4 In the result, the order dated 27.06.2017 passed in I.A.No.441 of 2016 in O.S.No.105 of 2007 on the file of the Court of the Principal Junior Civil Judge, Kalwakurthy is hereby set aside and the matter is remanded to the trial court for fresh disposal. The learned Principal Junior Civil Judge, Kalwakurthy is hereby directed to dispose of I.A.No.441 of 2016 within a period of one month from the date of receipt of a copy of this order. No order as to costs. As a sequel, miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 05.12.2018

Kvsn