

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Revision Petition No.5334 of 2017

ORDER:

Heard Sri Srinivas Ambati, learned counsel for the petitioner/respondent/plaintiff, and Sri M.V.S. Suresh Kumar, learned Senior Counsel, for Sri Aravala Srinivasa Rao, learned counsel for the respondents.

2. In an application filed under Order 9 Rule 13 of Civil Procedure Code, 1908 (for short, 'C.P.C.') which is registered as I.A. No.335 of 2014 filed by the defendants in O.S. No.3 of 2011 on the file of Judge, Family Court-cum-III Additional District Judge, Srikakulam, the Court below by its order dated 4.9.2017, allowed it on payment of costs of Rs.2,000/- (Rupees Two thousand only) to the respondent/plaintiff by 21.09.2017, failing which the petition was to be treated as dismissed. The said order was complied, according to the learned counsel for the respondent.

3. An elaborate order was passed by assigning reasons in allowing the relief claimed therein. It is clear from the averments that even written statement was filed along with petition.

4. It is no doubt true the relief claimed was only for recovery of money by the plaintiff to the tune of about slightly more than Rs.12,00,000/-, but, as could be seen from the Revision petition, there is absolutely no concrete ground agitated where the Court below went wrong or in the finding recorded or the conclusion arrived at, is irregular or illegal.

5. No doubt, the learned counsel for the revision petitioners' stand is based on the ground shown in paragraph-7 of the Grounds of the present Civil Revision Petition, but they are anterior to the order passed herein. Therefore, it has no relevance to attack the order, which is under challenge.

6. Hence, there is absolutely no merit in the Civil Revision Petition, and, accordingly, the same is dismissed at the stage of admission. There shall be no order as to costs.

As a sequel there to miscellaneous petitions, if any, pending in the present Civil Revision Petition shall stand closed.

February 2, 2018.
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A. SHANKAR NARAYANA, J

