

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.5818 of 2018

Date: 05.10.2018

Between:

Polavarapu Somalingam and 5 others

.. Petitioners

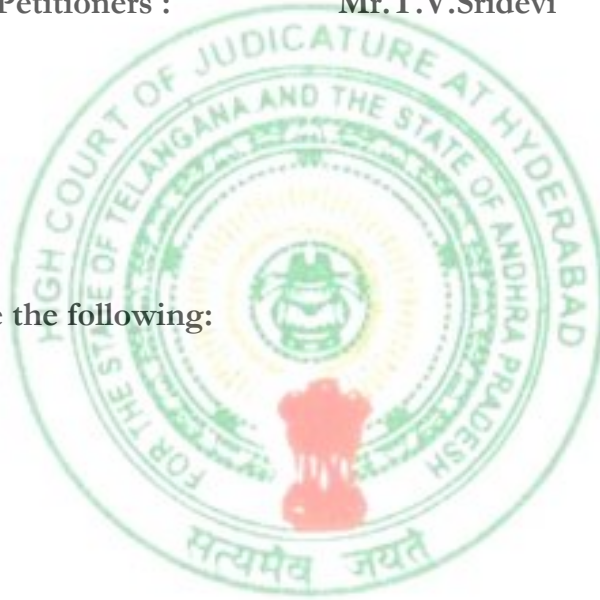
and

Kolluru Bhimeswara Rao and 8 others

.. Respondents

Counsel for the Petitioners : Mr.T.V.Sridevi

The Court made the following:



Order:

The petitioners, who obtained preliminary decree in OS.No.182 of 2005, filed this Civil Revision Petition (CRP) feeling aggrieved by Order and Decree, dated 22-06-2018, passed in Memo in GR.No.1952 dt.11.04.2018 in IA.No.62 of 2015 by the Principal Senior Civil Judge at Anakapalle.

The petitioner secured an *ex parte* preliminary decree in OS.No.182 of 2005 on 12-06-2006. Respondent No.1/defendant No.6 filed IA.No.62 of 2015 for condonation of delay of 3133 days in filing the application to set aside the said *ex parte* decree. Pending the said IA, he has filed the aforementioned memo for receiving certain documents in support of the said application for condonation of delay. Though the petitioners have opposed the said application, the lower Court has allowed the same.

After hearing Smt.T.V.Sridevi, learned Counsel for the petitioners, I am of the opinion that mere taking on record the documents filed by respondent No.1 would no way affect the interests of the petitioners. The relevancy or otherwise of the documents produced by respondent No.1 need to be considered by the lower Court while adjudicating IA.No.62 of 2015 and the petitioners are entitled to raise all legally permissible pleas as to why the documents filed by respondent No.1 shall not be relied upon. Therefore, I do not find any prejudice being caused to the

petitioners by the lower Court by merely receiving the documents for being considered for disposal of IA.

Subject to the above observations, the CRP is dismissed.

As a sequel to dismissal of the CRP, IA.No.1 of 2018, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 5th October, 2018
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