

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.35634 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development and Sri N.Venkateswarlu, learned Standing Counsel, apart from perusing the entire material available on record.

Admittedly, petitioner herein instituted O.S.No.121 of 2011 on the file of the learned Senior Civil Judge, Bobbili, seeking declaration of title and injunction. In the said suit, according to the learned counsel for the petitioner, the learned Senior Civil Judge granted injunction and, subsequently, the suit was dismissed for non-prosecution on 18.07.2017.

It is evident from a perusal of the material on record that, on 31.07.2018, petitioner herein filed I.A.No.7/2018 under the provisions of Order IX Rule 9 CPC seeking restoration of the suit and the said application is pending. The alleged interference is obviously due to the dismissal of the suit. Therefore, it is open for the petitioner herein to pursue the Interlocutory Application pending before the learned Senior Civil Judge.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A.V.SESHA SAI, J

03rd October, 2018
Tsy