

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CIVIL REVISION PETITION No.190 OF 2014

ORDER:

Heard Sri S. Siva Bhami Reddy, learned counsel for the revision petitioners.

The prayer made in I.A.No.231 of 2013 in O.S.No.788 of 2010 relates to granting of two reliefs i.e., one is to add one Yeramati Rambabu and Malireddy Krishnaveni, the petitioner – third party who filed the said I.A, as plaintiffs to the suit, and the other relief is to permit the said Yeramati Rambabu to represent the said Malireddy Krishnaveni as her power of attorney holder as per power of attorney, dated 16.11.2011. In fact, the affidavit filed in support of the said I.A was filed by the said Yeramati Rambabu on behalf of Malireddy Krishnaveni.

Today, in CRP.No.6207 of 2012, the order, dated 03.12.2011, passed in E.A.No.546 of 2011 in O.S.No.699 of 2009 by the Principal Senior Civil Judge, Kakinada, East Godavari District, is set aside by this Court directing the Senior Civil Judge to dispose of the said E.A afresh by affording an opportunity of being heard to the parties on record and taking into consideration the averments made in the counter affidavit filed by respondents 2 and 3 in the said EA.

Turning to the other relief i.e., to add Malireddy Krishnaveni as the 2nd plaintiff, it is to be noticed that the said Malireddy Krishnaveni

has not filed the affidavit, but it was filed by Yeramati Rambabu as her power of attorney holder even before he was permitted to represent her as her power of attorney holder. This apart, the order under challenge does not reflect the counter allegations mentioned by the revision petitioners as respondents 2 and 3 – defendants 2 and 3.

Since CRP.No.6207 of 2012 filed questioning the order of permitting Yeramati Rambabu to represent Malireddy Krishnaveni as her power of attorney holder, is allowed today setting aside the order of such permission granted to Yeramati Rambabu, certainly, the order under challenge in the present petition is to be set aside.

Accordingly, the Civil Revision Petition is allowed setting aside the order under challenge and remitting the matter to the I-Additional Senior Civil Judge, Kakinada, East Godavari District, for disposal of I.A.No.231 of 2013 in O.S.No.788 of 2010 afresh taking into consideration the averments made in the counter affidavit filed by respondents 2 and 3 therein, who are the revision petitioners.

Miscellaneous petitions if any pending in the present revision stand closed.

JUSTICE A.SHANKAR NARAYANA

Dt:06.06.2018
v v