

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P. No.6360 OF 2018

ORDER:

This petition is filed under Article 227 of the Constitution of India questioning the inaction of XVII Senior Civil Judge, City Civil Court, Hyderabad in disposal of O.S.No.2044 of 2012.

It is contended that the petitioner is aged 84 years old and that the defendant once remained exparte and later it was set aside vide order in I.A.No.1060 of 2016 imposing condition that the respondent shall commence evidence. When the Presiding Officer was on C.L. on 23.11.2016, adjourned to 25.11.2016 and on that day in formal compliance of condition imposed by the Court, the respondent filed affidavit in lieu of examination in chief and posted to 30.11.2016 for marking documents produced by DW.1, since then, the Court did not proceed further. Therefore, the petitioner requested to issue direction to the Court below to dispose of the suit in accordance with law.

As seen from the material, the suit is of the year 2012 i.e. almost six years old and examination in chief of DW.1 was completed on 25.11.2016, it is coming for marking documents. For one reason or the other, the Presiding Officer of the Court has not proceeded with the trial and in case the defendant is not tendering himself for cross examination, the Court can pass appropriate order and proceed with the suit. Therefore, in view of the circumstances, taking into consideration the age of the petitioner and the directions issued by the Apex Court in **Asian Resurfacing of Road Agency Pvt. Ltd. and another v C.B.I.** and the circulars issued by the High Court from time to time, XVII Senior Civil Judge, City Civil Court, Hyderabad is directed to decide O.S.No.2044 of 2012 as expeditiously as

possible in any event not later than three months from the date of receipt of a copy of this order.

With the above direction, the civil revision petition is allowed. There shall be no order as to costs.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

31.10.2018

Note: issue c.c. by 05.11.2018

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