

SMT JUSTICE T.RAJANI

CIVIL REVISION PETITION No.6326 OF 2018

ORDER:

1. This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the Petitioner – Plaintiff, seeking to set-aside the docket order, dated 22.10.2018, passed in G.R. No.5202 of 2018 in O.S. No.717 of 2007, by the learned Principal Junior Civil Judge, Srikakulam (for short, 'the trial Court'); by virtue of which, the trial Court returned the Interlocutory Application, filed by the petitioner/plaintiff under Order VIII Rule 9 of C.P.C., for non-compliance of Office objections.

2. Heard the learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that it would be suffice if a direction is given to the trial Court to number the Interlocutory Application, filed by the petitioner/plaintiff, under Order VIII Rule 9 of C.P.C., and dispose of the same on merits.

4. Admittedly, the petitioner filed the Interlocutory Application, under Order VIII Rule 9 of C.P.C., seeking permission to amend the plaint, when the Suit viz., O.S. No.717 of 2007 is coming up for further evidence of the defendants.

5. Learned counsel for the petitioner submits that the Interlocutory Application was filed on 14.09.2018. But, the trial Court is not numbering the Interlocutory Application.

6. A perusal of the docket order shows that on 05.10.2018, there was a representation by the counsel stating that the objection taken by the office was complied and a request to place the matter before the bench was made. But without the matter being placed before the bench, it was again returned on 22.10.2018 stating that the objections were not complied properly.

7. Hence, in order to avoid any further delay on the application, this court opines that it would be just to give a direction to the court below to call the matter on bench and hear the counsel with regard to his submissions in respect of the return made by the office and decide the matter by 26.11.2018.

8. Accordingly, with the above direction, the Civil Revision Petition is disposed of at the stage of admission. No costs.

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

T. RAJANI, J

Date: 02.11.2018.

Note:-

Registry is directed to return the original documents, if any, filed by the petitioner, under proper acknowledgment.

{ B/o }
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Date. 02.11.2018

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