

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NOs. 5876, 6165 & 6190 OF 2017

COMMON ORDER:

All these three petitions are filed under Article 227 of the Constitution of India, challenging the orders in I.A.Nos.576, 577 & 578 of 2015 in O.S.No.67 of 2010 dated 03.08.2017 passed by the Senior Civil Judge, Wanaparthy.

O.S.No.67 of 2010 was filed for declaration of title and other consequential reliefs. But, during pendency of the suit, the first defendant/Mala Ayyanna expired leaving behind his proposed legal heirs. But, the defendant's counsel did not inform about the death of the first defendant/Mala Ayyanna to the petitioner, though Order XXII Rule 10-A C.P.C obligates the counsel to inform about the death and the details of the legal heirs. Therefore, only when the respondents filed a memo in compliance of Order XXII Rule 10-A C.P.C, the petitioner came to know about the death and consequently, filed these petitions under Section 5 of Limitation Act and Order XXII Rule 22(4) C.P.C for the relief stated above.

But, these petitions were contested by the respondents on various grounds. In I.A.No.576 of 2015, the Trial Court passed an unreasoned order holding that the reason mentioned in the petition to condone the delay of 619 days to set-aside the abetment order against the deceased/first defendant to bring his legal heirs on record is not reasoned. Therefore, the order passed by the Court below is cryptic and unreasoned.

In consequence of the order passed in I.A.No.576 of 2015, I.A.Nos.577 & 578 of 2015 were dismissed vide docket orders and the same cannot be sustained under law.

Since, the orders in I.A.Nos. 577 & 578 of 2015 were passed without any reason, all the three orders i.e. I.A.Nos.576, 577 & 578 of 2015 in O.S.No.67 of 2010 are set-aside, remanding the petitions to the Trial Court to pass appropriate reasoned order, within one month from the date of receipt of copy of this order, after affording reasonable opportunity to the respondents.

With the above direction, these civil revision petitions are disposed of.

Consequently, miscellaneous petitions pending if any, shall stand dismissed. No costs.



JUSTICE M. SATYANARAYANA MURTHY

Date: 25.10.2018

Note: copy by 29.10.2018

b/o

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