

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY
CIVIL REVISION PETITION Nos.5600 and 5728 OF 2017

COMMON ORDER:

These Civil Revision Petitions are filed under Article 227 of the Constitution of India assailing the order dated 04.09.2017 passed in I.A.No.263 of 2014 in O.S.No.5 of 1996 on the file of the Court of the III Additional District Judge, Tirupati.

2. The point involved in both the revisions is one and the same; therefore, this Court is inclined to pass a common order in both the revisions.

3. At the time of arguments, learned counsel for both parties, in one voice, submitted that the impugned order may be set aside and direct the trial Court to dispose of I.A.No.263 of 2014 in O.S.No.5 of 1996 on merits, after affording a reasonable opportunity to both parties.

4. In view of the submission made by the learned counsel for both parties, this Court is not inclined to go into the merits of the main case.

5. Having regard to the facts and circumstances of the case, both the Civil Revision Petitions are allowed setting aside the order dated 04.09.2017 passed in I.A.No.263 of 2014 in O.S.No.5 of 1996 on the file of the Court of the III Additional District Judge, Tirupati. The learned III Additional District Judge, Tirupati, is hereby directed to dispose of I.A.No.263 of 2014, afresh, after affording a reasonable opportunity to both parties. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in both the Civil Revision Petitions shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.09.2018
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