

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.7414 of 2017

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the Order dt.22.11.2017 in I.A.No.1004 of 2017 in O.S.No.672 of 2014 on the file of II Additional Junior Civil Judge, Warangal.

02. Heard both sides.

03. A perusal of the record reveals that respondent No.1 filed O.S.No.672 of 2014 on the file of II Additional Junior Civil Judge, Warangal, against the petitioner and Respondent No.2 herein seeking perpetual injunction in respect of the suit schedule property. For one reason or the other, as the petitioner and second respondent did not file Written Statement, the trial Court set them *ex parte* on 04.05.2015.

04. At the time of argument, both the counsel submitted that R.2 filed interlocutory application seeking to set aside the *ex parte* Order passed against him and the same was allowed by the trial Court. Both the counsel further submitted that respondent No.2 filed Written Statement in O.S.No.672 of 2014 before the trial Court and the same was adopted by respondent No.2 by filing a Memo.

05. While deciding the petition of this nature, the approach of the Court shall be pragmatic but not pedantic. Even if the petition is to be allowed, the same may not cause prejudice to

respondent No.1. If the Order Dt.22.11.2017 is allowed to stand, it would amount to miscarriage of justice. Therefore, this Court is of the considered view that it is a fit case to allow the petition.

06. Accordingly, this Civil Revision Petition is allowed setting aside the Order dt. 22.11.2017 in I.A.No.1004 of 2017 in O.S.No.672 of 2014 passed by II Additional Junior Civil Judge, Warangal. Consequently, I.A.No.1004 of 2017 stands allowed. The trial Court is directed to dispose of O.S.No.672 of 2014 as expeditiously as possible.

Miscellaneous petitions if any pending in this revision shall stand closed.

Date: 30.8.2018

T.SUNIL CHOWDARY, J.

Notice : Issue C.C. by 05.09.2018.

B/o
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DT.30.08.2018

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