

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CIVIL REVISION PETITION No.7321 of 2017****ORDER:**

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed questioning the Docket Order dt.08.12.2017 in O.S.No.2402 of 2012 on the file of XIX Junior Civil Judge, City Civil Court, Hyderabad, whereby the trial Court adjourned the matter for filing counter to 21.12.2017.

The petitioner filed a Petition under Order 8 Rule 1-A CPC to receive the documents and made certain allegations in the affidavit filed along with the petition explaining the reason for her failure to file those documents along with the Written Statement, in compliance of Order 8 Rule 1-A (1) CPC.

The Court simply adjourned the matter for filing the Counter. Instead of waiting till the disposal of the matter, the petitioner approached this Court under Article 227 of the Constitution of India. When a petition is filed, the respondent be afforded an opportunity to file Counter and on hearing both the counsel, the Court shall pass an order in accordance with law. When the Court is given an opportunity to file Counter, approaching this Court directly under Article 227 of the Constitution of India is impermissible. Therefore, this Petition is liable to be dismissed as it devoid of merits.

In the result, this Civil Revision Petition is dismissed while directing the trial Court to dispose of the Petition pending before it under Order 8 Rule 1-A CPC, after filing Counter, within a period of two weeks, in accordance with law, after receipt of a copy of this Order.

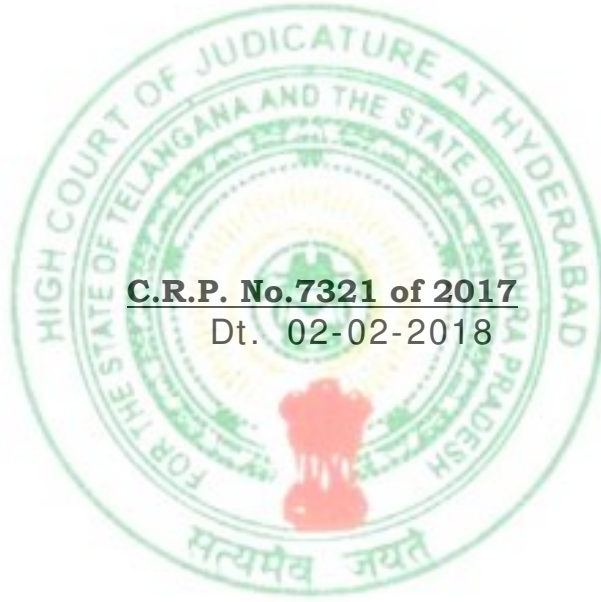
Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 02-02-2018
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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