

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.577 of 2019

ORDER :

This Civil Revision Petition is filed challenging the order dt.22.10.2018 passed in Civil Miscellaneous Appeal No.94 of 2013 on the file of III Additional District Judge, Ranga Reddy District, at L.B. Nagar, reversing the order dt.02.05.2012 in I.A.No.1031 of 2011 in O.S.No.440 of 2011 on the file of III Additional Junior Civil Judge, Ranga Reddy District.

2. In paragraph no.5 of the impugned order, the lower Appellate Court itself mentioned that since both counsel were not getting ready, despite specific directions, the Court is inclined to dispose of the Civil Miscellaneous Appeal on merits since it is pre-2014 C.M.A.

3. In my opinion, it was not proper for the lower Appellate Court to proceed to decide the Civil Miscellaneous Appeal on merits when the counsel on both sides were not prepared to address arguments on merits. At best, it could have dismissed the Civil Miscellaneous Appeal for non-prosecution. Thus, the petitioners have been deprived of an opportunity to place before the lower Appellate Court contentions on facts as well as law.

4. On account of the above action of the lower Appellate Court, grave prejudice has been caused to petitioner.

5. Therefore, the impugned order is set aside. The Civil Miscellaneous Appeal No.94 of 2013 is restored to the file of the III Additional District Judge, Ranga Reddy District, at L.B. Nagar. The said Court is directed to hear the contentions of both parties' counsel and then decide the Civil Miscellaneous Appeal on merits before 30.06.2019.

6. Accordingly, the Civil Revision Petition is allowed with the above directions. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26.04.2019

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