

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.944 OF 2019

ORDER:

This revision petition, under Section 115 of CPC, is filed by the petitioners aggrieved by the order dated 14.02.2019 passed in I.A.No.959 of 2018 in O.S.No.349 of 2006 by the learned III Additional District Judge, Ranga Reddy District at L.B. Nagar, wherein the application filed by the petitioners to condone the delay of 44 days in filing the petition under Order 9 Rule 9 of CPC to set aside the dismissal order dated 26.07.2018, was dismissed.

2. Heard learned counsel for the revision petitioners and perused the record.

3. The Court below had made certain comments against the petitioners in the impugned order. The subject suit was filed for partition and separate possession. In the given circumstances, substantial rights of the parties and their entitlement are required to be determined. It is brought to the notice of this Court that the respondents/defendants have also filed an application to recall P.W.1 to P.W.4. Laches on the part of the petitioners are not grave. Substantial issues in the suit are required to be dealt with.

4. Under these circumstances, impugned order dated 14.02.2019 passed in I.A.No.959 of 2018 in O.S.No.349 of 2006 by the learned III Additional District Judge, Ranga Reddy District at L.B. Nagar, is set aside and I.A.No.959 of 2018 is allowed as prayed for.

5. In the result, the Civil Revision Petition is allowed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 07.11.2019
ssp

