

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

Civil Miscellaneous Appeal No.690 of 2019

JUDGMENT:

This Civil Miscellaneous Appeal, under Order 43 Rule 1 of CPC, is filed by the appellant/petitioner challenging the order, dated 03.05.2019, passed in I.A.No.579 of 2019 in I.A.No.483 of 2019 in A.S.No.11 of 2019 by the learned Principal District Judge at Nizamabad.

2. Heard the learned counsel for the appellant and perused the record.

3. Learned counsel for the appellant/petitioner would contend that the order passed in I.A.No.483 of 2019 in A.S.No.11 of 2019 by the Court below, is bereft of reasons. The Court below did not discuss the merits of the application and erroneously allowed the same. In the said I.A., the appellant/petitioner was set *ex parte*. On the next day, the appellant/petitioner filed an application *vide* I.A.No.579 of 2019 and the same was dismissed on 03.05.2019 erroneously, which is impugned in this appeal, and ultimately prayed to set aside the impugned order.

4. It is evident from the record, the Court below exercised its discretion and allowed I.A.No.483 of 2019 *vide* order dated 17.04.2019 by imposing costs of Rs.500/-. The Court below also dealt with I.A.No.579 of 2019 elaborately and dismissed the same by allowing both the parties to contest the Appeal Suit on merits. The Court below has rightly exercised the jurisdiction vested therein and justified in passing the impugned order. The appeal is devoid of merit and is liable to dismissed.

5. In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 18.09.2019
ssp

