

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1540 of 2019

ORDER :

Heard the learned counsel for petitioner and the learned counsel for respondent.

2. This Revision is filed challenging the order dt.12-06-2019 passed by the VIII Junior Civil Judge, City Civil Court at Hyderabad in proceeding with O.S.No.2361 of 2016 on his file in spite of the fact that application for rejection of the plaint in the said suit i.e. I.A.No.294 of 2018, which was dismissed by the trial Court on 05-12-2018 was challenged before this Court in C.R.P.No.263 of 2019 and the said C.R.P. has been allowed by this Court on 18-03-2019.

3. Once the said C.R.P. has been allowed, the order dt.05-12-2018 in I.A.No.294 of 2018 in O.S.No.2361 of 2016 stood set aside and the said I.A. filed for rejection of plaint in the said suit has to be taken as having been allowed. In these circumstances, there is no question of the trial Court proceeding with O.S.No.2361 of 2016 at all.

4. Therefore in exercise of the power conferred on this Court under Article 227 of the Constitution of India, it is declared that the plaint in O.S.No.2361 of 2016 stood rejected.

5. Once C.R.P.No.263 of 2019 was allowed, the Court of the VIII Junior Civil Judge, City Civil Court at Hyderabad cannot proceed with hearing of the said suit when it is no longer pending on its file.

6. The Civil Revision Petition is allowed accordingly. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-08-2019

Vsv

