

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.R.P.Nos.2402 and 2481 of 2019

COMMON ORDER:

Since the facts of the case, issues involved and the parties to the litigation in both these revisions are identical, both these Civil Revision Petitions are being disposed of by this common order.

2. CRP Nos.2402 and 2481 of 2019 are filed by the petitioner/claim petitioner, under Section 115 of the Code of Civil Procedure, 1908, challenging the docket orders, dated 11.07.2019, passed in E.A.Nos.8 and 9 of 2019 in E.P.No.74 of 2012 in O.S.No.1043 of 1999 respectively, by the Junior Civil Judge, Cyberabad at Hayathnagar, whereby, the petition filed by the revision petitioner/claim petitioner under Section 5 of the Limitation Act, 1963, read with Section 151 of CPC to condone the delay of 1497 days in filing the petition under Order XXII Rule 9 of CPC to set aside the abatement caused (E.A.No.9 of 2019), and the petition filed by the revision petitioner/claim petitioner under Order XXII Rule 3 of CPC to implead respondent Nos.3 to 6 therein as respondent Nos.3 to 6 in Claim Petition No.40 of 2013, as they being the legal representatives of the deceased respondent No.2 (E.A.No.8 of 2019), were closed.

3. Heard the learned counsel for both the sides and perused the record.

4. It is borne by the record that the proposed respondent Nos.3 to 6 herein are the legal representatives of the deceased respondent No.2 – P.Yadagiri. They are required to be brought on record for proper adjudication and to determine Claim Application No.40 of 2013 in E.P.No.74 of 2012 in O.S.No.1043 of 1999 on the file of the Junior Civil Judge, Hayathnagar, Ranga Reddy District. There is no much contest from the other side in these two Civil Revision Petitions. However, in the given circumstances, substantial questions raised in Claim Petition No.40 of 2013 are required to be dealt with.

5. Under these circumstances, the impugned docket orders, dated 11.07.2019, passed in E.A.Nos.8 and 9 of 2019 in E.P.No.74 of 2012 in O.S.No.1043 of 1999, by the Junior Civil Judge, Cyberabad at Hayathnagar, are set aside. Consequently, E.A.Nos.8 and 9 of 2019 stands allowed as prayed for.

6. At this stage, a request is made by the learned counsel for both the sides that the Claim Application No.40 of 2013 is an old one and it is required to be disposed of expeditiously. Under these circumstances, the Junior Civil Judge, Cyberabad at Hayathnagar, is directed to dispose of Claim Application No.40 of 2013 in E.P.No.74 of 2012 in O.S.No.1043 of 1999, within a period of three (03) months from the date of receipt of a copy of this order.

7. Both the Civil Revision Petitions are disposed of accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in both these Civil Revision Petitions, shall stand closed.

19th December, 2019
Bvv

Dr. SHAMEEM AKTHER, J

