

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2899 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners aggrieved by the return SR No.23807 of 2019 dated 19.09.2019 filed in CMASR No.6665 of 2019 on the file of the VI Junior Civil Judge, City Civil Court, Hyderabad, wherein the Court below returned the appeal on the ground of maintainability.

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

3. The office objection dated 03.09.2019, reads as under:-

“Since the order dated 06.09.2017 passed by the learned VI Junior Civil Judge, City Civil Court, Hyderabad, is not an appealable order and does not attract XLIII of CPC. Hence return.”

4. It appears from the record, the question of maintainability of the subject CMA was raised. The said CMASR was returned on the ground of maintainability under Order XLIII Rule 1 of CPC. When the office objections were complied with and resubmitted again and again, the learned Judge ought to have called the matter on the bench and heard the appellants. This exercise was not done so.

5. Therefore, the learned VI Junior Civil Judge, City Civil Court, Hyderabad, is directed to call the matter on bench and determine the objections taken.

6. With the above direction, the Civil Revision Petition is disposed of at the stage of admission.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 09.12.2019
ssp

