

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3994 OF 2018

ORDER:

This revision, under Section 115 of the Code of Civil Procedure, 1908 is filed by the petitioner/plaintiff aggrieved by the docket order, dated 29.12.2017 passed in O.S.No.675 of 2009 by the II Additional Chief Judge, City Civil Court, Hyderabad, whereby the suit filed by the revision petitioner/plaintiff for partition of the suit schedule property and for damages was dismissed for non-prosecution.

2. In spite of listing this matter under the caption "for orders", there is no representation for the respondents/defendants.

3. Heard learned counsel for the revision petitioner/plaintiff and perused the record.

4. The subject dispute relates to delay in impounding the document. It has been contended that in spite of the efforts made by the revision petitioner/plaintiff, the District Registrar as well as the Sub Registrar, have not given the valuation and impounded the document by collecting the requisite fee and penalty.

5. In the course of submissions, it is brought to the notice of this Court that till date the subject document is neither impounded nor valued.

6. The subject suit is filed for partition and separate possession wherein substantial issues are required to be framed. The Court below ought to have given some more time to get the document impounded. The revision petitioner/plaintiff is not diligent in pursuing the relief before the District Registrar as well as the Sub Registrar. However, in

view of nature of the dispute for partition and as the substantial issues required to be determined in the suit, the suit of the petitioner/plaintiff shall not be defeated on technicalities particularly the delay in getting subject document impounded.

7. Under these circumstances, the impugned docket order dated 29.12.2017 passed in O.S.No.675 of 2009 by the II Additional Chief Judge, City Civil Court, Hyderabad, is hereby set aside subject to the revision petitioner/plaintiff paying costs of Rs.1,500/- (Rupees one thousand five hundred only) to the respondents/defendants within three(3) weeks from today. On such payment of costs, the suit in O.S.No.675 of 2009 stands restored. Further, the revision petitioner/plaintiff is directed to get the document impounded.

8. With the above direction, the Civil Revision Petition is disposed of.

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

No costs.

Date: 03.02.2020
ssp

Dr. SHAMEEM AKTHER, J