

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.2355 of 2019

Date : 20.1.2020

Between:

Kandagatla Ramchander and another
S/o Abbaiah age 47 years occ Business R/o H No 66
Plot No 847 201 Peerzadiguda Ghatkesar Mandal
Hyderabad

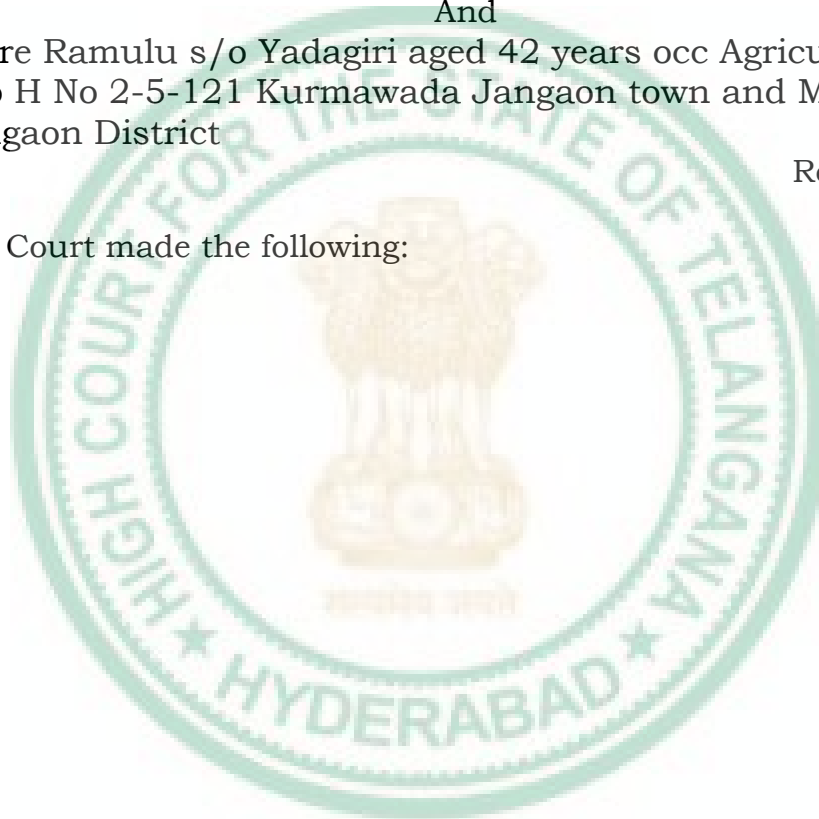
Petitioner

And

Karre Ramulu s/o Yadagiri aged 42 years occ Agriculture
R/o H No 2-5-121 Kurmawada Jangaon town and Mandal
Jangaon District

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.2355 of 2019

ORAL ORDER:

Heard learned counsel for petitioners and none appeared for respondent.

2. This revision is preferred against the order in I.A. No. 215 of 2018 in I.A.No.92 of 2017 in O.S No. 214 of 2013 dated 26.3.2019 on the file of the V Additional District Judge, II FTC, Warangal at Jangaon dismissing the petition filed under Order IX Rule 7 read with Section 151 of CPC to set aside the ex-parte orders passed on 18.6.2018.

3. Briefly noted, I.A. No. 90 2015 was filed praying to permit the plaintiff to withdraw claim to part of the suit schedule land i.e., item no.2 of the suit schedule land to an extent of Ac.5.00 guntas in Surey No. 216/1/F against defendants 3 to 5. Accepting the plea raised therein, I.A.No. 90 of 2015 was allowed vide orders dated 26.6.2015. Later, plaintiff preferred I.A.No.92 of 2017 praying to recall the order passed in I.A.No. 90 of 2015 and to grant leave to amend the plaint to proceed with the suit against defendants 3 to 6. The plea raised was that plaintiff was threatened and coerced to file I.A. No.90 of 2015 against his will and conscious, due to threat exerted on him by Gangstar Nayeem and that he intends to prosecute the suit as originally instituted. Accepting the said contention, I.A.No. 92 of 2017 was allowed on 18.6.2018. Questioning the said order, defendants 3 and 5/revision petitioners herein filed I.A No.215 of 2018 praying to recall the order passed in I.A.No.92 of 2017. The Court below, by order dated 26.3.2019

dismissed the said Interlocutory Application confirming its earlier decision setting aside the order passed in I.A No. 90 of 2015. Challenging the order passed in I.A.No. 92 of 2017, petitioners herein filed C.R.P No. 1410 of 2019 before this Court. This Court, did not agree with the plea of the petitioners that they were not put on notice before passing orders in I.A No.92 of 2017 and confirmed the decision of the Court below.

4. That being so, the present revision is filed challenging the order passed in I.A.No.215 of 2018 dated 26.3.2019 dismissing the application to recall the ex-parte order passed on 18.6.2018 in I.A.No.92 of 2017 in O.S. No. 214 of 2013.

5. In view of the decision of this Court in C.R.P.No. 1410 of 2019 confirming the orders passed by the Court below in I.A.No.92 of 2017, it is no more open to petitioners to pray to recall the orders passed in I.A.No.92 of 2017 and to revert to the position obtaining as on the date of passing of order in I.A.No.90 of 2015. Further, by the time, C.R.P.No. 1410 of 2019 was filed and disposed of by this Court, orders in I.A.No.215 of 2018 were already made. Petitioners at the most, could have filed comprehensive revision petitions challenging both orders, but strangely confined to order of trial Court in I.A. No. 92 of 2017. Be that as it may, in view of the orders passed in C.R.P No. 1410 of 2019 confirming the orders passed in I.A.No.92 of 2017, the question of recalling the orders passed in I.A.No.92 of 2017 and going back to position obtaining as on the date of passing of orders in I.A.No.90 of 2015 in an independent Civil Revision Petition does not arise.

6. For the aforesaid reasons, the revision fails and accordingly dismissed. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 20-1-2020
TVK



HONOURABLE SRI JUSTICE P. NAVEEN RAO



CIVIL REVISION PETITION No.2355 of 2019

Date : 20.1.2020