

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.4760 OF 2012

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendant Nos.1 to 4 aggrieved by the order dated 06.09.2012 passed in I.A.No.307 of 2012 in I.A.No.561 of 2011 in O.S.No.823 of 2010 by the III Additional District Judge (FTC), Ranga Reddy District at L.B. Nagar, whereby the application filed by the revision petitioners/defendant Nos.1 to 4 under Order IX Rule 13 read with Section 151 of CPC, seeking to set aside the order dated 19.01.2012 in I.A.No.561 of 2011 was dismissed.

2. In spite of service of notice, there is no representation on behalf of the respondents.

3. Heard learned counsel for the revision petitioners/defendant Nos.1 to 4 and perused the record.

4. Learned counsel for the revision petitioners would contend that though there are genuine reasons to restore I.A.No.561 of 2011 in O.S.No.823 of 2010, the Court below did not consider the same, and erroneously dismissed the subject application in I.A.No.307 of 2012 *vide* impugned order dated 06.09.2012 and ultimately prayed to allow the civil revision petition as prayed for.

5. It is evident from the affidavit and the submissions made by the learned counsel for the revision petitioners that the revision petitioners diligently pursued the matter. Merely because the affidavit of their Advocate was not filed, the Court below ought not to have declined to

grant the relief as sought for. Moreover, the substantial issues do require for adjudication in the subject Original Suit.

6. Under these circumstances, the impugned order dated 06.09.2012 passed in I.A.No.307 of 2012 in I.A.No.561 of 2011 in O.S.No.823 of 2010 by the III Additional District Judge (FTC), Ranga Reddy District at L.B. Nagar, is set aside. Consequently, I.A.No.307 of 2012 stands allowed as prayed for.

7. In the result, the Civil Revision Petition is allowed.

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

No costs.

Date: 21.01.2020
ssp

Dr. SHAMEEM AKTHER, J

