

HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.1404 OF 2022

Date:23.09.2022

Between:

Mr. Mohammed Noor S/o.Late Mohammed Osman,
Aged about 65 yrs, Occu : Nil,
R/o.H.No.16-8-191 & 192,
Kaladera, Malakpet, Hyderabad

.....Petitioner

And

Smt Razia Begum died as per L.Rs,
Obaid Bin Abood S/o.Late Abod Bin Ali,
Aged about 41 yrs & others

.....Respondents

The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.1404 OF 2022

ORDER :

This Civil Revision Petition is filed challenging the order dated 01.04.2022 passed in I.A.No.1242 of 2022 in Tr.O.P.No.27 of 2021 by the Chief Judge, City Civil Court, Hyderabad. Pursuant to the notice issued in Tr.O.P.No.27 of 2021, petitioner was required to appear before the Court on 28.01.2022. Petitioner contends that, he visited the Court on the said date, but he was not allowed to enter into the Court building as no physical hearings were taken place and the Court proceedings were conducted through Video Conference. Therefore, petitioner was set *ex parte* on 28.01.2022. Petitioner filed I.A.No.1242 of 2022 praying the Court to restore Tr.O.P.No.27 of 2021.

2. By order dated 08.03.2022, recording the statement of learned counsel for respondent No.1 therein, the petition was allowed subject to petitioner filing counter affidavit in the main transfer O.P., by the next date of hearing i.e., 01.04.2022. On 01.04.2022, when the case was called, there was no representation for petitioner and no counter affidavit was filed as directed by the Court. In the said circumstances, holding that the condition imposed earlier was not complied, the restoration petition was dismissed. Aggrieved thereby, this Civil Revision Petition is filed.

3. I have heard learned counsel for the petitioner and learned Counsel for the respondents.

4. Learned counsel for the petitioner sought to contend that the absence of petitioner on the date given before the Court below was neither deliberate nor wilful and if one opportunity is afforded to the petitioner to file counter affidavit, he would file counter, otherwise, petitioner would suffer grave hardship and suffering.

5. Learned counsel for the respondents informs the Court that the matter was directed to be listed on 27.09.2022 before the Court below.

6. In order to give one more opportunity to the petitioner, I direct the Court below to permit the petitioner to file counter affidavit before 27.09.2022. Petitioner shall appear before the Court below on the next date of hearing.

7. Civil Revision Petition is accordingly allowed setting aside the order dated 01.04.2022 passed in I.A.No.1242 of 2022 in Tr.O.P.No.27 of 2021, subject to petitioner filing counter affidavit in Tr.O.P.No.27 of 2021 before 27.09.2022 and appearing before the Court below on the said date and also on payment of costs of Rs.1000/- (Rupees One thousand only) to the learned counsel for the respondents.

Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

23rd September, 2022

Note :

Issue c.c. by 26.09.2022

B/o.
Rds