

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: C.R.P.No.2138 OF 2021 AND 2165 OF 2001

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	04.03.2025	<u>NTR,J</u> The Civil Revision Petition was adjudicated along with C.R.P.No.2165 of 2001 on 19.10.2022. The respondents Nos. 2 to 5 in the revision petitions filed I.A.Nos.1 of 2023 with a prayer to condone the delay of 46 days in filing the petition for setting aside the order dated 19.10.2022 in C.R.P.No.2138 of 2001, and I.A.No.2 of 2023 with a prayer to set aside the ex-parte order dated 19.10.2022 in C.R.P.No.2138 of 2001. This Court on 29.01.2025 in the Court dictated an order as follows: <u>I.A.No.01 of 2023</u> <i>This application is filed by petitioner/LR's of respondent No.1 in C.R.P.No.2138 of 2001 with a prayer to condone the delay of 46 days in filing the petition for setting aside the order dated 19.10.2022 in C.R.P.No.2138 of 2001.</i> <u>I.A.No.02 of 2023</u> <i>This application is filed by petitioners/LR's of respondent No.1 in C.R.P.No.2138 of 2001 with a prayer to set aside the ex-parte order dated 19.10.2022 in C.R.P.No.2138 f 2001.</i> <u>C.R.P.No.2138 f 2001.</u> <i>None for the petitioner.</i>	Transferred to I/O folder before correction.

SL. NO	DATE	ORDER	OFFICE NOTE
		<i>Ms. Sonali A Rath, learned counsel representing Mr. B. Shanker, learned counsel for respondents.</i> <i>List the matter on 31.01.2025 under the caption "for dismissal".</i> However, along with the above said order Court Master typed another order on the same day as follows: <u>I.A.No.1 of 2023</u> <i>This application is filed by petitioners/LR's of respondent No.1 in C.R.P.No.2138 of 2001 to condone the delay of 46 days in filing the petition for setting aside the order dated 19.10.2022 in C.R.P.No.2138 of 2001.</i> <i>Having regard to the submissions, to extend fair opportunity to the petitioners, who are the legal representatives of the deceased respondent No.1 in C.R.P.No.2138 of 2001, allowing this petition found proper.</i> <i>Accordingly, I.A.No.1 of 2023 is allowed.</i> <u>I.A.No.2 of 2023</u> <i>This application is filed by petitioners/LR's of respondent No.1 in C.R.P.No.2138 of 2001 to set aside the ex-parte order dated 19.10.2022 in C.R.P.No.2138 of 2001.</i> <i>Having regard to the submissions, to extend fair opportunity to the petitioners, who are the legal representatives of the deceased respondent No.1 in C.R.P.No.2138 of 2001, allowing this petition found proper.</i> <i>Accordingly, I.A.No.2 of 2023 is allowed.</i>	

SL. NO	DATE	ORDER	OFFICE NOTE
		<u>C.R.P.No.2138 of 2001</u> <i>None for the petitioner.</i> <i>Ms. Sonali A Rath, learned counsel</i> <i>representing Mr. B. Shanker, learned counsel for</i> <i>respondents is present.</i> <i>List the matter on 31.01.2025 under the caption</i> <i>“for dismissal”.</i> As, the revision petitions are being listed before this Court for hearing. In this regard, it is pertinent to note that once an order has been passed by this Court in revision, this Court becomes functus-officio to intervene with the order, except in the case of filing a review petition. However, the second order, as noted above, clearly making out set-aside the ex-parte order has been passed as if it is in regular course. Once the revision petition has been adjudicated, and until an appropriate application is filed for review, this Court shall not have any jurisdiction to intervene and reconsider the matter. The orders recorded as I.A. Nos. 1 and 2 of 2023, would stand as orders passed without jurisdiction and, as such, these orders are a nullity. Furthermore, the error is apparent on the face of the record. Although it has been turned inadvertently, the orders cannot be sustained under the law. Thus, recalling these orders are	

SL. NO	DATE	ORDER	OFFICE NOTE
		found wrong accordingly ordered. However, the prayer in I.A. Nos.1 and 2 of 2023 to condone the delay for setting aside, which are filed under Section 151 of the Code of Civil Procedure, would be without jurisdiction and not maintainable for want of jurisdiction. Accordingly, for that reason, I.A.Nos.1 and 2 of 2023 stand dismissed. However, the petitioner is granted liberty to avail any other remedies available under the law, if the advise to do so. In consequence, the common order passed by this Court dated 19.10.2022 in C.R.P.Nos. 2138 and 2165 of 2001 shall remain in operation and hold good. _____ NTR,J FM	