IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY ,THE TWENTY EIGHTH DAY OF OCTOBER TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

I.A.No. 2 OF 2024
IN
APPEAL SUIT NO: 66 OF 2018

Between:

Devu Anuradha, W/o. Devu Gopal Rao, aged about 54 years, Occ- Houswife, R/o. Flat No. 301, Indira Mansion, Taranagar, Serlingampalli Mandal, Ranga Reddy District.

...Petitioner/Appellant

AND

R.B. Raghunath Reddy, S/o. R. Balreddy, aged about 42 years, Occ- Business, R/o. H.No. 1-36/1/12/80, Chanda Nagar, Serilingampalli Mandal, Ranga Reddy District.

...Respondent/Respondent

Petition under Order IX Rule 9 of CPC r/w. Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set aside the order dated 16-02-2024 and restore the A.S.No 66 of 2018 before this Hon'ble Court.

Counsel for the Appellant : M/s. Chittimalla Chandrakala

Counsel for the Respondent : Sri V. Brahmaiah Chowdary

The Court made the following: ORDER

This application is filed to set aside the order dated 16.02.2024 and restore the A.S.No.66 of 2018.

Learned counsel for the petitioner and learned counsel for respondent No.5 present.

Suit is filed for specific performance but there is no representation on both sides on 09.02.2024 and then matter was posted to 16.02.2024 under the caption

"For Dismissal". Even after listing the matter for dismissal caption on 16.02.2024 also there was no representation on both sides and hence appeal was dismissed for default and now came up with this application for restoration.

It was stated that the case was endorsed to the another counsel and he was not noticed the listing the case when case is taken up for hearing.

It is for the counsels to verify and represent the matter but they failed to do the same. But considering the fact that both the learned counsel absent, this Court finds that it is just and reasonable to restore the appeal.

Accordingly, this application is allowed on cost of Rs.3,000/- payable to the State Legal Services Authority within a period of one (01) week from today.

Sd/- P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIII Additional District and Sessions Judge, L.B.Nagar, Ranga Reddy District.
2. The Section Officer, Appeal filing Section, High Court for the State of Telangana at Hyderabad.
3. One CC to M/s. Chittimalla Chandrakala, Advocate [OPUC]
4. One CC to Sri V. Brahmaiah Chowdary, Advocate [OPUC]
5. **Two CD Copies**

Njh/gh

NOTE: Costs of Rs.3,000/- have been paid by M/s. Ch. Chandrakala, Counsel for the Petitioner to the Telangana State Legal Service Authority, Hyderabad and filed Memo on 29.10.2024 vide USR No. 105278

HIGH COURT

DATED:28/10/2024

ORDER

I.A.No. 2 of 2024
In
AS.No.66 of 2018

ALLOWING THE I.A
WITH COSTS

08/11/24