



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3460]

(Special Original Jurisdiction)

**WEDNESDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION NO: 631/2023

Between:

Beemarasetti Nageswara Rao and Others

...PETITIONER(S)

AND

R G P K Ranga Rao and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. SREEKANTH REDDY AMBATI

Counsel for the Respondent(S):

1. K SITA RAM

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**CIVIL REVISION PETITION NO: 631 of 2023****ORDER:**

The present Civil Revision Petition is filed questioning the Order dated 23.01.2023 in I.A.No.277 of 2022 in O.S.No.9 of 2019 passed by the learned II Additional District Judge, Parvathipuram.

2. The Petitioners are the Defendant Nos.3 and 4. Originally the Respondent No.1 herein filed a suit against the petitioners herein and others for recovery of the money. The said suit was decreed ex-parte on 02.03.2022 by the trial Court. Subsequently, defendant Nos.3 and 4 filed an application to set aside the ex-parte decree under Order 9 Rule 13 and under Section 151 of C.P.C. The trial Court on 23.01.2023 passed a docket order directing defendant Nos.2 and 3 to serve notice on the other defendants also on the ground that if the decree is set aside against defendants 3 and 4, it is applicable to the rest of the defendants also. Challenging the said Order, the present Civil Revision Petition is filed.

3. Heard Sri Srikanth Reddy Ambati, learned counsel for the petitioners and Sri K.Sita Ram, learned counsel for the respondent No.1.

4. As the present application filed by defendant Nos.3 and 4 against the plaintiff and there is no requirement of issuing notice to the other defendants who remained ex-parte in the suit and did not challenge the ex-parte decree.

5. The trial Court shall hear and pass appropriate orders on the basis of the contentions raised by the petitioners herein/defendant Nos.3 and 4 and the plaintiff/respondent No.1.

6. Accordingly, the Civil Revision Petition is allowed by setting aside the Order dated 23.01.2023 in I.A.No.277 of 2022 in O.S.No.9 of 2019 passed by the learned II Additional District Judge, Parvathipuram. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 13-11-2024

ASR

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Dt.13-11-2024

ASR