

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWELVE

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.5134 of 2012

BETWEEN

M/s. Prabhu Constructions.

... PETITIONER

AND

Gaddam Limba Reddy and others.

...RESPONDENTS

Counsel for the Petitioner: MR. KOWTURU VINAY KUMAR

Counsel for the Respondents: --NONE APPEARED--

The Court made the following:

ORDER:

This revision is at the instance of defendant No.11 aggrieved by the order passed by the Court below in I.A.No.143 of 2012 dated 04.06.2012.

2. Learned counsel for the petitioner submits that the aforesaid IA is seriously contested by the petitioner by filing counter affidavit and on 04.06.2012, when the said IA was taken up, petitioner counsel, apparently, was not present and based on no-objection given by other counsel, IA was allowed. Petitioner has immediately filed an application to recall the said order by filing C.F.R.No.2078 on 08.06.2012 itself giving circumstances

under which order dated 04.06.2012 came to be passed by the Court below.

3. The said application, however, appears to have been returned by the Registry of that Court questioning the maintainability. Petitioner, therefore, has filed the present revision petition questioning the order dated 04.06.2012, *inter alia*, on the ground that it contains no reasons except for the no-objection given by some of the respondents counsel therein.

4. Evidently, the impugned order is incongruous as in the same sentence it says no representation on the side of respondents and further, says the counsel for respondents reported no objection. Further, while passing the order, the Court below has not given any reasons except no objection of some other counsel for respondents. However, it is not necessary to go into those aspects in view of the application filed by the petitioner on 08.06.2012, referred to above, seeking to recall the order dated 04.06.2012. A party can always file an application to recall the order, if the circumstances are made out. Petitioner's application seeking recall of the order dated 04.06.2012, therefore, appears maintainable. Petitioner shall, therefore, represent and prosecute the said application, if it is not yet represented and the Court below shall consider the said application after notice and after hearing the other side, pass appropriate orders as per law.

The civil revision petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 31, 2012

Note: Furnish C.C. of the order by 01.11.2012.

(B/o)

DSK

