

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 4754 OF 2016

ORDER:

Non-disposal of I.A.No. 20 of 2016 in C.F.No. 2750 of 2015 on the file of the Senior Civil Judge's Court at Kavali, SPSR Nellore District has been complained in this Civil Revision Petition.

From the material placed on record, it can be seen that the petitioner filed O.S.No. 7 of 2010 on the file of the Court of the Principal Junior Civil Judge, Udayagiri seeking the relief of permanent injunction. The said suit came to be dismissed by the order dated 18.06.2015. Thereagainst, he filed the Appeal on 06.08.2015. The Court below, raising certain objections, returned the said Appeal. For resubmitting the same, the petitioner has taken out I.A. No. 20 of 2016 seeking to condone the delay of 58 days that has been occasioned in the process. But the said Application has not been considered and the Appeal has not yet been numbered is what the grievance canvassed in this Petition.

Heard learned counsel for the petitioner. In view of the order that is going to be passed now, this Court does not feel it necessary to put the respondent on notice.

When a party takes out an Application seeking some relief, the Court concerned is under an obligation to consider the same and pass orders appropriate, duly assigning the reasons therefor within a reasonable time-frame. Courts shall bear in mind the fact that *justice delayed is justice denied*. Here, in the instant case, the petitioner filed the Appeal in August 2015 against the order dismissing the suit filed for the relief of permanent injunction. It

appears, till date, the same has not been taken on file. Right to Appeal is a statutory privilege provided to the aggrieved party and the same cannot be defeated by the legal system by any means. Therefore, this Court is of the firm opinion that the Court below ought to have acted swiftly and passed orders in I.A. No. 20 of 2016.

In those circumstances, the learned Senior Civil Judge. Kavali shall consider and pass appropriate orders in I.A.No. 20 of 2016 in C.F. No. 2750 of 2015 within ten days from the date of receipt of a copy of this order.

With this, the Civil Revision Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

Registry to forward a copy of this order to the learned Senior Civil Judge, Kavali, SPSR Nellore District, forthwith.

CHALLA KODANDA RAM, J

30th September 2016

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