

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: C.R.P.(SR).No.44187 of 2025

PROCEEDING SHEET

Sl.No	DATE	ORDER	NOTE
	09.12.2025	<u>NV, J</u> This CRP is filed under Article 227 of the Constitution of India against the order and decree dated 04.08.2025 passed in I.A.No.95 of 2024 in O.S.No.210 of 2017 on the file of Court of the Principal Civil Judge (Junior Divison), Giddalur filed under Order IX Rule 13 of CPC along with a petition under Section 5 of the Limitation Act. The Registry returned the said CRP(SR) with objection to clarify and state how this CRP, instead of CMA is maintainable against the order	

		dismissing I.A.No.95 of 2024 filed under Order IX Rule 13 of CPC. Learned counsel for the petitioner represented the said CRP(SR) stating that the said order is challenged under the residuary power of the Court under Article 227 of the Constitution of India. Since the Registry was not satisfied with explanation, the matter has been placed before this Bench for decision. Heard learned counsel for the petitioner. Learned counsel for the petitioner stated that the trial Court dismissed the I.A.No.95 of 2024 and I.A.No.96 of 2024 on the same day. It is further stated that in view of the orders passed in I.A.No.95 of 2024	
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		filed under Order IX Rule 13 of CPC, I.A.No.96 of 2024 filed under Order XVIII Rule 17 of CPC was dismissed. The present revision petition was filed against the order in I.A.No.95 of 2024 challenging the same under Article 227 of the Constitution of India. He further submits that Order IX Rule 13 CPC cannot be decided without allowing the petition under Section 5 of the Limitation Act, though a civil miscellaneous appeal is maintainable against the order XLIII, Rule (1)(d) CPC. He further submits that, this Court, in similar circumstances entertained CRP filed against the orders passed in the petition filed under Order IX Rule 13 CPC and hence, requested to pass a similar	
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		order in the present case also. Since the present revision petition is filed under Article 227 of the Constitution of India, for the reasons explained by the learned counsel for the petitioner, the objections of the court is Overruled and the Registry is directed to register the CRP, however leaving it open to the respondent to raise such objection, if chooses, on appearance. NV,J <i>BSP</i>	
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