

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.483 of 2015

JUDGMENT:

This second appeal is preferred challenging the judgment and decree dated 09.12.2014 in A.S.No.9 of 2012 on the file of the Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court-cum-VI Additional District and Sessions Judge, Godavarikhani, whereunder the judgment and decree dated 29.10.2012 in O.S.No.22 of 2006 on the file of the Senior Civil Judge, Manthani, is confirmed.

2. Plaintiffs filed suit for declaration and injunction and the trial Court dismissed the suit. Aggrieved by which, appeal is preferred to the District Court, Karimnagar and VI Additional District and Sessions Judge, Karimnagar at Godavarikhani, dismissed the appeal and confirmed the judgment of trial Court. Both advocate for appellants and advocate and advocate for respondents submitted that the appellate Court has not at all considered the material like oral and documentary evidence and it has not even framed required points for consideration and it simply extracted the contentions and rival contentions of both parties and in the end result of dismissal is recorded without giving any findings. Both sides submitted that this is a fit case to be remanded to the appellate Court directing the appellate Court to consider the material on record afresh by giving opportunity to both parties and to decide the matter in accordance with procedure contemplated under Order 41 C.P.C.

3. On a perusal of judgment of the appellate Court, I am of the considered view that the request made by both sides is quite reasonable as the appellate Court has not considered any material, particularly oral and documentary evidence that is placed before the trial Court and simply dismissed the appeal without assigning any reasons.

4. For the above reasons, the impugned judgment dated 09.12.2014

in A.S.No.9 of 2012 on the file of Chairman-cum-Presiding Officer,
Industrial Tribunal-cum-Labour Court-cum-

VI Additional District and Sessions Judge, Godavarikhani, is set
aside and the matter is remitted back to the appellate Court, with a
direction to frame appropriate points for consideration and then
decide the same with reference to oral and documentary evidence
and the submissions of both sides, as expeditiously as possible.

5. Second appeal is disposed of accordingly at the admission stage.

6. Miscellaneous petitions pending, if any, shall stand closed. No
costs.

S. RAVI KUMAR, J

27th November 2015.

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