

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.1373 of 2014

ORDER:

The plaintiff in O.S. No.7/2009 on the file of the Court of the learned III Additional District Judge, Bhimavaram, is the petitioner herein. The said suit was filed for specific performance of agreement of sale dated 02.08.2008.

In the said suit, the respondent herein, who is the defendant, filed I.A. No.343/2014 seeking a direction to the Branch Manager, State Bank of Hyderabad Main Branch, Bhimavaram, to produce before the Court the application forms and the specimen signature card on the ground that they are the admitted signatures at the relevant point of time and they would be helpful for comparing with the signatures obtaining on the agreement of sale dated 02.08.2008. She further stated that earlier she filed I.A. No.2509/2010 to send the suit agreement of sale containing the disputed signatures along with her admitted signatures to a Government Handwriting Expert. The lower Court allowed the said application on 03.03.2014 and directed her to produce the documents containing her authenticated signature, signed by her during August 2008 or one month prior to it for sending them to the Handwriting Expert. Evidently, the respondent herein did not file her admitted signatures at the relevant point of time, and she filed the present application.

The said application was resisted by the petitioner herein stating that the respondent did not file her admitted signatures as directed by the Court, and hence, the petition in I.A.No.2509/2010 automatically stands dismissed. The present application cannot be filed in order to help the respondent.

However, the lower Court, without expressing any opinion on the rival contentions, simply allowed the application in

I.A.No.343/2014 with an unreasoned order. This Court and the Supreme Court time and again frowned upon passing unreasoned orders, and the learned III Additional District Judge, Bhimavaram, should not have passed such an order on 03.04.2014. In view of the same, without expressing any opinion on merits of the case, the impugned order dated 03.04.2014 is set aside, and the matter is remanded to the learned III Additional District Judge, Bhimavaram, for passing appropriate orders in I.A.No.343/2014, in accordance with law, after giving due opportunity to both the parties.

Accordingly, this Civil Revision Petition is allowed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

21.12.2015

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