

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**C.R.P.No.1411 of 2009**

**ORDER:**

This Revision Petition is filed challenging the Order dt.16-02-2009 in O.S.No.2457 of 2007 of the I Additional Senior Civil Judge, Ranga Reddy District.

2. Petitioner herein is the plaintiff in the suit. He sought to mark a document dt.29-1-2006 said to have been executed by 2<sup>nd</sup> respondent in his favour guaranteeing payment of a sum of Rs.4.00 lakhs by 1<sup>st</sup> respondent in respect of which a promissory note was already executed by both the respondents. The document recited that the amount of Rs.4.00 lakhs would be paid within six months from the date of execution of the document and if not, the petitioner would have the right to see the property mentioned in the said document and recover the amount due.
3. While the petitioner/plaintiff had contended that the document in question is a 'security bond', the Court below has held that it is a 'bond'. No reasons have been assigned in the impugned order of the trial Court for coming to this conclusion.
4. Learned counsel for the petitioner would contend that the document in question is a 'security bond' to which Article 48 of the Schedule I-A of the Indian Stamp Act, 1989 applies and since the order passed by the Court below does not contain any reasons, the order requires to be set aside.
5. Although notice was directed to the respondent Nos.1 and 2, the Revision Petition was dismissed for not paying process as

against 2<sup>nd</sup> respondent on 23-11-2012. There is no appearance for 1<sup>st</sup> respondent even though notice on 1<sup>st</sup> respondent was served.

6. Admittedly, the impugned order does not contain any reasons in support of the trial Court's conclusion that the document in question is a bond and not a security.
7. Therefore, the impugned order is set aside and the Court below is directed to pass a reasoned order after hearing submissions of both sides. Interim order granted on 18-04-2009 is vacated. Since the suit is of the year 2007, the Court below shall expedite the hearing of the suit and endeavour to conclude the trial in the suit within six months from the date of receipt of a copy of this order.
8. Accordingly, the Civil Revision Petition is allowed. No costs.
9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 08-06-2015

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