

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.4318 of 2015

ORDER:

This Civil Revision Petition is filed by the plaintiffs in O.S.No.508 of 2013 on the file of the VII Senior Civil Judge, City Civil Court, Hyderabad aggrieved by the order dated 28.08.2015 passed in I.A.No.608 of 2014 in the said O.S.

The petitioners herein have filed the aforesaid suit for perpetual injunction against the respondents herein and obtained *ex parte* decree. Thereafter, as there was delay of 303 days in filing the petition for setting aside the *ex parte* decree, the present I.A. is filed by the respondents herein seeking to condone the said delay. By the impugned docket order dated 28.08.2015, the Court below has allowed the I.A.

Heard learned counsel for the petitioners and learned counsel for the respondents.

From a perusal of the impugned order, it is evident that the Court below has not assigned reasons for allowing the petition. Taking note of this fact and having regard to the plea of the petitioners, this Court is of the view that it is a fit case to direct the Court below to re-consider the I.A and pass appropriate orders by hearing both sides.

Accordingly, this Civil Revision Petition is allowed and the impugned order dated 28.08.2015 is set aside and the

matter is remitted back to the Court below with a direction to consider the I.A afresh by hearing both sides and pass appropriate orders. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

18.12.2015
v v