

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

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CIVIL REVISION PETITION No. 2354 of 2015

BETWEEN

Thota Satyanarayana

... PETITIONER

AND

Thota Srinivasa Rao and others

...RESPONDENTS

Date of Order pronounced: 24.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the fair copy of the Judgment? | Yes/No |

ORDER:-

This civil revision petition under Article 227 of the Constitution arises

out of the order dated 30.01.2015 passed by the learned VI Additional District Judge (FTC), Narsapuram, West Godavari, in I.A.No.29 of 2013 in O.S.No.17 of 2009.

2. The said suit was filed for partition and the plaintiff is none other than the son of the first defendant. The other defendants in the suit are stated to be alienees of the joint family property. While so, it appears that the father and son compromised the suit in so far as it pertained to the properties of the plaintiff's mother. As per this compromise, the relief of partition was not pressed by the plaintiff in respect of the properties covered by the said compromise. A joint memo was stated to have been filed before the trial court in this regard on 12.10.2012. One of the properties covered by the said compromise was the property mentioned in the E-Schedule of the plaint. It appears that the plaintiff thereafter executed a relinquishment deed on 03.12.2012 in the name of his father, the first defendant, as regards this item of property. However, he then filed I.A.No.29 of 2013 in the suit seeking amendment of the plaint schedule by again adding the E-Schedule property. According to him, this property was purchased jointly by his father and mother and therefore, he would have a share in the share of his father in the said property, which was liable to be partitioned along with the other suit properties. This I.A. was filed sometime in June, 2013 and it is an admitted fact that the E-Schedule property was sold by the father on 26.12.2013.

3. Unmindful of these facts, the trial court allowed the I.A. by its order dated 30.01.2015. Perusal of the order reflects that except for reproducing the averments of the parties, the trial court did not even apply its mind and set out the reasons as to why the I.A. was being allowed. This approach on the part of the trial court cannot be countenanced. The parties are entitled to know as to why an order is passed in their favour or against them during the suit proceedings.

3. On this short ground, the order under revision is set aside and the matter is remitted to the file of the trial court for consideration of the I.A. afresh on merits and in accordance with law.

The civil revision petition is allowed to the extent indicated above.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

July 24, 2015
Lmv