

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

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**CIVIL REVISION PETITION No.5085 of 2015**

**ORDER:**

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The respondents in IA.No.225 of 2013 in OS.No.323 of 2013 on the file of the Court of the learned Sub-Divisional Magistrate (Mobile Court), Bhadrachalan of Khammam District brought this civil revision petition under Article 227 of the Constitution of India assailing the docket orders dated 26.09.2014 passed therein.

**2.** I have heard the submissions of the learned counsel for the revision petitioners. I have perused the material record.

**3.** The facts, which are relevant for consideration, in brief, are as follows:

The sole plaintiff had brought the suit against the revision petitioners for a perpetual injunction in respect of a vacant house site admeasuring 422 Square Yards in Golla Bazaar of Bhadrachalam Gram Panchayat, Bhadrachalam town of Khammam District morefully described in the schedule annexed to the plaint *inter alia* contending that she is the owner and possessor of the said property having got the same by way of succession from her husband, who had died on 16.11.2010. The revision petitioners are resisting the said suit. In the application in IA.No.225 of 2013 filed by the plaintiff for grant of temporary injunction restraining the respondents/revision petitioners herein, their henchmen, servants, agents or anybody on their behalf from interfering with the plaintiff's peaceful possession and enjoyment over the schedule land pending disposal of the suit, the Court below, by orders dated 20.12.2013, had granted an interim order of injunction in favour of the plaintiff and against the revision petitioners until further orders. The revision petitioners had filed a counter affidavit in the said application. When the said application is coming for arguments, the orders, which are impugned, are passed. Aggrieved of the same, the revision petitioners are before this Court.

**4.** The order, which is impugned, reads as under:

**'P.C Present.**

**D.C absence.**

**For arguments, inspite of several adjournments the D.C is failed to represent his case. Hence, IA made absolute.'**

[Reproduced verbatim]

5. The learned counsel for the revision petitioners would submit that it is the duty of the Court below to consider the averments in the counter affidavit and pass a reasoned order on merits and that the order impugned, which is bereft of reasons is unsustainable both under facts and in law, and that the revision petitioners have got fair chances of success and that the impugned order, which is not supported by reasons, much less positive reasons, is liable to be set aside.

6. The order impugned, as rightly contended by the learned counsel for the revision petitioners, is not a reasoned order and the said order making the interim orders absolute is passed only on the ground that inspite of granting several adjournments, the defendants/revision petitioners herein failed to represent the case.

7. Having regard to the submissions and the facts, this Court is satisfied that this revision petition can be disposed of at the admission stage by giving necessary directions.

8. Accordingly, the Civil Revision Petition is allowed. The impugned docket order 26.09.2014 is set aside. It is made clear that the interim order dated 20.12.2013 shall be in force till the disposal of IA.No.225 of 2013 in OS.No.323 of 2013. The Court below is directed to dispose of the said interlocutory application on merits and in accordance with the procedure established by law after giving an opportunity of hearing to both the sides as expeditiously as possible and preferably within a period of one month from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, in this CRP shall stand closed.

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**M. SEETHARAMA MURTI, J**

27<sup>th</sup> November, 2015

Vjl

