

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION Nos.4192 of 2013 & 4193 of 2013

COMMON ORDER:

These Civil Revision Petitions under Article 227 of the Constitution of India filed by the unsuccessful defendant are directed against the separate orders dated 04.06.2013 of the learned Principal Senior Civil Judge, Mancheri, Adilabad District passed in I.A Nos.483 of 2013 and 482 of 2013 in O.S. No.240 of 2009 filed respectively under Section 151 and under Order 18 Rule 17 read with Section 151 of Code of Civil Procedure requesting to re-open the evidence on the side of the plaintiff for adducing further evidence and permit the examination of PW3, the mother of the plaintiff, on the side of the plaintiff.

2. I have heard the submissions of the learned counsel for petitioner/defendant and learned counsel for respondent/plaintiff.

I have perused the material record.

3. On a perusal of the orders impugned in these revisions, it is clear that the trial Court had not passed reasoned orders and had failed to assign any reasons for allowing the said two petitions. The defendant was also not given any opportunity to file counters. The orders impugned read as follows:

“Counter not filed. Heard both. In the facts and circumstances of petition, it is allowed.”

(reproduced verbatim)

It is needless to mention that the said orders, which are bereft of reasons, much less valid reasons, are no orders in the eye of law and deserve to be set aside. Further, since the applications are not disposed of on merits by passing reasoned orders, as rightly submitted by the learned counsel for both the sides, the interlocutory applications

require fresh consideration and disposal on merits by the trial Court. Therefore, this court finds that the impugned orders are liable to be set aside.

4. In the result, Civil Revision Petitions are allowed and the orders impugned are set-aside and both the interlocutory applications are remitted to the court below for fresh disposal on merits and in accordance with procedure established by law. However, it is clarified that the trial Court shall give an opportunity to the respondent/defendant to file counters by granting one week time from the date of the receipt of a copy of this order and shall dispose of the interlocutory applications within two weeks from thereafter.

Miscellaneous petitions pending, if any, in these Civil Revision Petitions shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

06.02.2015
Note: Issue CC in three days.
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Date:06.02.2015

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