

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

C.R.P.No.2735 of 2015

Between:

M/s. Jana Priya Restaurant

... Petitioner/Appellant (s)

And

C. Madhusudhana Rao
and 2 others

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

- | | | |
|---|---|--------|
| 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 Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see
the fair copy of the Judgment? | Yes/No |

-
-
-
-
-
-

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.2735 OF 2015

ORDER

-

This CRP is filed against the order dated 09.04.2015 in I.A.No.459 of 2015 in O.S.No.106 of 2015 wherein the trial Court allowed the application filed by the respondents 1 and 1 under Order 15 (A) and Section 151 of the Civil Procedure Code directing the 1st respondent/plaintiff to deposit the arrears of rent so far accrued till March, 2015 i.e., Rs.3,30,000/- and continue to pay monthly rent of Rs.95,000/- every month and in default to stop further proceedings in the suit.

Learned counsel for the petitioner submits that the registered sale deed executed on 18.05.2011 between the petitioner and respondents 1 and 2 shows that the petitioner is liable to pay only an amount of Rs.95,000/- per month whereas the Court below without marking any documents and without considering the counter filed by the petitioner allowed I.A.No.459/2015.

On the other hand, learned counsel for respondents submits that documents marked in I.A. for grant of injunction were considered and petitioner is aware of the impugned order passed, as such no interference is called for.

A perusal of the impugned order goes to show that the Court below has relied on evidence on record but has not marked any documents. The trial Court is expected atleast to mark the documents while disposing the I.A. But the trial Court in ignorance of the same, passed the impugned order without marking any documents. On that sole ground, the impugned order is liable to be set aside. Therefore, without going into the merits of the case, the impugned order is set aside on the sole ground that no documents are marked while passing the impugned order.

In view of the above, the matter is remitted back to the trial Court and the trial Court is directed to dispose of the I.A. within a period of two weeks from the date of receipt of copy of this order on merits,

without being influenced by the observations made herein.

Accordingly, the CRP is allowed. There shall be no order as to costs.

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

A.RAJASHEKER

REDDY,J

Date: 14.08.2015

dv