

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.4977 of 2015

ORDER:

This Civil Revision Petition by the 1st respondent/plaintiff is directed against the order dated 09.09.2015 of the learned V Additional Senior Civil Judge (Judge, Fast Track Court), Vijayawada passed in I.A.no.60 of 2015 in O.S.no.1087 of 2005 filed under Order XVIII Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 to recall PW1 and DW1 for the purpose of cross-examination by the petitioners/defendants 7, 11 and 13 to 15.

2. At the hearing, the learned counsel for the revision petitioner/plaintiff would submit that the plaintiff had filed a detailed counter opposing the above said application of the above said defendants, but, the trial Court without considering the contentions of the plaintiff had allowed the petition by passing an order stating "Heard and Allowed" and that the said order being not a speaking order is unsustainable under facts and in law. The learned counsel for the defendants 7, 11, 13, 14 and 15 sought to support the order impugned saying that though there are no reasons, the conclusion is correct.

3. In the well-considered view of this Court, when the aforementioned interlocutory application was seriously opposed, the Court below ought to have passed a detailed speaking order. However, a perusal of the order impugned makes it manifest that no specific reasons, much less valid reasons, are assigned.

4. Therefore, in the well-considered view of this Court, the revision can be allowed and the interlocutory application aforementioned can be remitted to the Court below for fresh disposal in strict accordance with the procedure established by law.

5. In the result, the Civil Revision Petition is allowed at the stage of admission setting aside the impugned order. As a sequel, I.A.no.60 of 2005 is remitted to the Court below for disposal afresh, in strict accordance with the

procedure established by law. Considering the fact that the suit is a sufficiently old one, the Court below is directed to dispose of the application, as expeditiously as possible, preferably within fifteen (15) days from the date of receipt of a copy of this order. There shall be no order as to costs.

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

M. SEETHARAMA MURTI, J

23rd June, 2016

Note:- Issue CC by 27.06.2016

(B/o)

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