

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.4636 OF 2016

ORDER:

The Civil Revision Petition is filed for early disposal of pending I.A. No.725 of 2015 in O.S. No.475 of 2015 on the file of learned XXIV Additional Chief Judge, City Civil Court, Hyderabad.

2) Heard learned counsel for the revision petitioners and learned counsel for the respondents. Perused the material on record.

3) The docket proceedings of the said application, in the pending suit reflects from 01.07.2015 till 14.10.2016 right from service of notices and filing of counter and rejoinder and also counter to the rejoinder as the case may be and for enquiry time to time and ultimately on 14.12.2015 petitioners/ plaintiffs filed written arguments along with additional material. On 29.12.2015 a third party affidavit was filed of one Paul Sudhakar. On 31.12.2015, after hearing in I.A. No.725 of 2015, the trial Court passed orders of status-quo to maintain and posted to 07.01.2016. On 07.01.2016, written arguments filed by respondents. The trial Court therefrom posted I.A. No.725 of 2015 for orders to 25.01.2016 again to 05.02.2016 and on 15.02.2016 posted for orders. It was while so, from 22.02.2016 the matter posted for hearing of I.A. No.308 of 2016 and it was allowed by reopening the matter for further hearing and documents Exs.R1 to R18 were marked after hearing both sides. Again on 21.03.2016, the matter was reopened *suo moto* for hearing on fresh points and to call with I.A No.1444 of 2015 by posted to 30.03.2016. Even I.A. No.1444 of 2015 is allowed and rejoinder to the counter of the respondents received and posted for additional counter, if any, and petitioner

filed application under Order 7 Rule 4 C.P.C. The docket order also reflects the application filed under Order 7 Rule 4 C.P.C.

4) It was while the matter was coming for further enquiry, ultimately posted to 22.04.2016 and again under the caption 'For Orders' to 06.06.2016. Again on 06.06.2016 the matter was reopened *suo moto* stating 'for fresh hearing on fresh points' and posted to 23.06.2016 and ultimately additional written arguments filed by respondents also on 08.08.2016. On 08.08.2016, the matter was posted to 09.08.2016 and again to 22.08.2016. On 22.08.2016, it is mentioned that orders are not ready as the steno is engaged on other duty and thereby posted to 06.09.2016 and on that day again, the trial Court reopened the matter *suo moto* for further hearing with regard to documents filed vide order dated 04.08.2016 in I.A. No.940 of 2016 and posted to 14.10.2016.

5) It is the submission that the matter is still at the same stage and with no progress after 14.10.2016 for no orders passed so far by disposing of the same on merits.

6) The docket order shows on 22.08.2016 the order dictated to the steno and steno from short hand notes could not transcribe the same and prepare the draft for verification and finalisation and to pronounce. Once such is the case, the learned trial Judge could not postpone the pronouncing of orders. In fact, it is mandatory to dispose of within 30 days after hearing or at best within 60 days the maximum. No doubt for any practical difficulty, the docket must properly reflect the same. However the Judge can not reopen the matter at his choice time and again.

7) Leave about any similar matter is pending and any requirement of both matters to be clubbed any such remedy is left open to them to file such application before the trial Court to decide on own merits. It is made clear that any such requirement of clubbing suits even does not come in the way to the disposal of the petition that was heard long back and originally reserved on 25.01.2016 for orders and even by now at the end of October, 2016, which is nearly 10 months with no progress in repeatedly reopening without passing orders.

8) Having regard to the above and in the result and without prejudice to contest of both sides, the revision is disposed of with a direction to the lower Court to decide on merits the application in I.A. No.725 of 2015 within 15 days from the date of receipt of the order in letter and spirit and submit a copy of the order to this Court immediately thereafter. No order as to costs.

Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

Dr.JUSTICE B. SIVA SANKARA RAO

Dt.24.10.2016
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