

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.5582 OF 2015

ORDER:

The Civil Revision Petition is filed against the order passed on 08.06.2015 in I.A. No.1 of 2015 in O.S. No.285 of 2012 by VI Additional District & Sessions Judge (FTC), Ranga Reddy District at Malakpet.

2) Heard learned counsel for the revision petitioner. Perused the material on record.

3) I.A. No.1 of 2015 is filed by 1st defendant to receive his separate written statement. It is the contention that in so permitting is without reasons and even though the 1st defendant, who is no other than father of 1st plaintiff and 2nd defendant in the suit for partition, earlier filed a written statement along with the 2nd defendant opposing the suit claim of plaintiff and the counter filed by the revision petitioner—2nd defendant in opposing the application in I.A. No.1 of 2015 was not considered by the lower Court and the order is not even by assigning reasons to withdraw the earlier contentions or to come with a contradictory version, much less to sail with the plaintiff. Thereby it is the submission that it must be a reasoned order instead of passing one line order, which requires to be wet-aside on its face, for that reason. The respondents 1 and 2/ defendant No.1 and plaintiff even served failed to attend. Hence taken as heard.

4) As the 1st defendant, who is the petitioner in I.A. No.1 of 2015, earlier filed written statement along with his son—2nd defendant in opposing the suit claim for partition, the order could have been reflected, from any say as to what are the reasons to

come with a different contradictory version by wriggling out from the earlier version and subjective satisfaction of the Court, if at all so to permit. The trial court, thus, should not have passed one line order without considering the material on record. Thus, the order no way survives and sustaining the same will not subserve the ends of justice.

5) Accordingly and in the result, the revision is allowed by setting aside the impugned order of the lower Court and the matter is remanded to the lower Court to give a fresh disposal by passing a reasoned order. No order as to costs.

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

Dt.06.09.2016
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Dr.JUSTICE B. SIVA SANKARA RAO

