

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 4263 of 2016

Order:

The petitioner herein filed E.O.P.No.1 of 2013 before the learned Junior Civil Judge-cum-Election Tribunal, Kanigiri, Prakasam District challenging the election of the first respondent. Along with the said Election Petition the petitioner filed I.A.No.603 of 2016 for recounting the valid votes and also to examine the legality of invalidating 79 valid votes cast in favour of the petitioner.

A counter was filed by the first respondent as well as respondents 4 to 7. The petition was adjourned on 05.08.2016 for counter and was directed to be called on 09.08.2016. On 09.08.2016 it was adjourned to 10.08.2016 for counter. On 10.08.2016 the petition was dismissed without assigning any reasons. In those circumstances, this Court called for the original record and the original record in I.A.No.603 of 2016 does not contain any order except the petition of the petitioner, the counter of the first respondent and that of the respondents 4 to 7. It is an elementary requirement to pass a reasoned order whenever a petition is dismissed by the trial Court. The learned Judge has not followed such elementary principle while dismissing the petition on 10.08.2016.

In the circumstances, the order dated 10.08.2016 in I.A.No.603 of 2016 in E.O.P.No.1 of 2013 is set aside and the matter is remanded to the learned Junior Civil Judge-cum-Election Tribunal, Kanigiri for passing appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order after hearing the petitioner and the respondents.

The Civil Revision Petition is, accordingly, allowed. There shall be no order as to costs. As a sequel thereto, the Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A copy of this order be marked to the Registrar (Vigilance) for calling appropriate explanation from the learned Junior Civil Judge, Kanigiri, Prakasam District for dismissing the petition without any reasons. The Registry is directed to return the original record received by this Court forthwith.

Date: 25.11.2016
Nsr

A. RAMALINGESWARA RAO, J

