

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.3525 of 2013

ORDER:

This plaintiffs' revision under Article 227 of the Constitution of India is directed against the order dated 25.03.2013 passed in I.A.No.1202 of 2012 in O.S.No.394 of 2007 by the learned X Additional District Judge (Judge, Fast Track Court), Anakapalli, Visakhapatnam District.

I have heard the submissions of Sri M.Radha Krishna, learned counsel appearing for petitioners and Sri K.V.Subrahmanya Narusu, learned counsel appearing for respondents. I have perused the material record.

The facts as narrated and which are necessary to be stated for the purpose of disposal of this revision, in brief, are as follows:

In a suit for partition, when the trial is in progress, an objection was raised by the plaintiffs during the examination of DW-1 for marking a relinquishment deed dated 25.09.1987 on the ground that it is not sufficiently stamped and is unregistered and is therefore inadmissible in evidence. The trial Court having heard the learned counsel for both the sides on the said aspect upheld the objection of the plaintiffs and directed the defendants to pay the required stamp duty/deficit stamp duty on the said document, which is also styled and referred to as an agreement. While so, the defendants later filed the subject application in I.A.No.1202 of 2012 before the trial Court requesting to review its earlier orders upholding the objection of plaintiffs and directing the defendants to pay stamp duty and penalty. The plaintiffs filed counter resisting the said application. By the orders impugned in this revision, the trial Court allowed the review

application by passing a one-line order, “Heard. Petition allowed”. The order being not a speaking order and not one in conformity with the requirement of law and principles of natural justice, the learned counsel for the plaintiffs/petitioners would submit that the order be set aside and the subject interlocutory application be remitted to the Court below for disposal afresh on merits and in strict accordance with the procedure established by law, however, after giving an opportunity of hearing to both the sides. Learned counsel for the respondents/defendants while supporting the orders of the Court below, stated that the order is sustainable, though not a speaking order. This Court is not impressed with the said submission.

Accordingly, the revision petition is allowed and the order impugned in this revision is set aside and I.A.No.1202 of 2012 is remitted to the trial Court for disposal afresh in strict accordance with the procedure established by law. Considering the fact that the suit is nearly a decade old suit, the trial Court is directed to dispose of the said IA within one month from today. No costs.

Pending miscellaneous applications, if any, shall stand closed.

M.SEETHARAMA MURTI, J

14th November 2016

N.B :

Issue C.C. in three days.

(b/o)

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