

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.5079 of 2016

ORDER:

On 25-10-2016, the Court ordered notice before admission. Counsel for petitioner places on record USR No.7408 of 2016 evidencing service of notice on the respondent.

Heard Sri Janaki Rami Reddy for petitioner. None appears for the respondent.

The plaintiff in O.S.No.234 of 2007 is the revision petitioner. The suit was filed for perpetual injunction restraining the respondent herein from interfering with the possession and enjoyment of plaint schedule property claimed by the petitioner. The petitioner filed I.A.No.373 of 2014 under Order VI Rule 17 for amendment of plaint and to include the prayer for declaration as well.

The trial court through order impugned in the revision, dismissed the application. Hence, the revision.

I have perused the order under Revision. This Court is of the view that the learned Junior Civil Judge, Allagadda, ought to have spelt out a few interdictory averments, which are made in the affidavit and the reply of respondent herein and framed a point for decision and thereafter decided the prayer for amendment. Through the order impugned in the revision, a brief finding is recorded and dismissed the application. This court is in agreement

with the contention of Mr. Janaki Rami Reddy that the order under challenge does not make out anything.

On the ground that the order impugned in the revision is not a speaking order and further the reasons stated do not convey the consideration of issue under Order VI Rule 17 CPC, the order under revision is set aside and the matter is remitted to trial court for disposal afresh within four weeks from today.

Accordingly, the Civil Revision Petition is allowed. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 09-12-2016

Note:

Issue C.C. forthwith

(B/o)

Prv



S. V. BHATT, J

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Prv

