

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.6027 of 2016

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India challenging the docket order dated 28.10.2016 in O.S. No.125 of 2015 on the file of the Court of Sub-Divisional Magistrate & Special Assistant Agent to Government, Mobile Court, Bhadrachalam (the Trial Court).

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the petitioners filed O.S. No.125 of 2015 for perpetual injunction against respondents. Along with the suit, the petitioners filed I.A. No.148 of 2015 seeking *ad interim* injunction and the same was granted on 25.7.2015. The respondents have filed counter along with the documents seeking to vacate the interim order. The Trial Court, without affording an opportunity of hearing to the petitioners, vacated the interim order, by impugned order dated 28.10.2016. It is needless to say that Court has to pass a speaking order, while vacating an interim order, recording the reasons therefor. Instead of the same, the Trial Court, by a cryptic order, vacated the interim order, without assigning any reasons.

4. Having regard to the facts and circumstances of the case, the docket order dated 28.10.2016 in O.S. No.125 of 2015 on the file of the Trial Court is hereby set aside. The Trial Court is hereby directed to afford reasonable opportunity to the petitioners as well as the respondents to putforth their respective cases and pass the order on merits by assigning reasons for such decision.

5. With the above directions, the civil revision petition is allowed. Miscellaneous petitions, if any pending in this civil revision petition shall stand closed.

T.SUNIL CHOWDARY, J

December 23, 2016.
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