

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3121 OF 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Order dated 25.05.2016 passed in I.A. No.154 of 2016 in I.A. No.173 of 2015 in O.S. No.410 of 2015 passed by the Vacation Civil Judge-II Senior Civil Judge, City Civil Court, Hyderabad, whereby the learned Judge issued a direction to the first respondent to restore the water and electricity supply to the residential quarter of petitioner No.2 pending disposal of the application.

The respondents in the interlocutory application filed the present revision petition on various grounds mainly contending that the order passed by the Vacation Civil Judge-II Senior Civil Judge, City Civil Court, Hyderabad, is cryptic and the Court did not consider any of the contentions urged in the counter filed by the revision petitioners herein running into four pages.

This Court called for comments of the Officer, who passed the order impugned in the revision, and in turn Smt.T.Jayalakshmi, II Senior Civil Judge, FAC/VIII Senior Civil Judge, City Civil Court, Hyderabad, by letter dated 17.09.2016 expressed her inability to submit any comments as the order passed by the Vacation Civil Judge.

As seen from the order, the Court did not advert to any of the contentions of either the petitioner or respondents before it, except observing as follows:

“The petitioner seeks restoration of water and electricity supply to the residential quarter of the petitioner No.2. As the same is disconnected inspite of Status Quo

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orders passed by the Court. The counsel for the respondent seeks time to file counter.

In the circumstances considering the petition relief as the basic requirement for human dwelling the respondent No.1 is directed to restore the water and electricity supply in the residential quarter of petitioner No.2 pending disposal of this application.”

It is brought to the notice of this Court, during hearing, Sri K.V. Bhanu Prasad, counsel for the petitioner, that the petitioner made a representation to the court, when the matter reached for hearing, to take up the matter after short pass over and granted pass over as requested, but when the Advocate was absent in the court hall, while on job of serving notice on the counter, on the petitioner, the Court passed cryptic order.

Even otherwise the Officer is expected to pass a reasoned order atleast advertng to the allegations made in the petition and justify in passing such order, but the vacation civil Judge did not follow the procedure in passing such order and committed an error in passing the order.

Hence, the order dated 25.05.2016 passed by the Vacation Civil Judge, City Civil Court, Hyderabad, in I.A. No.154 of 2016 in I.A. No.173 of 2015 in O.S. No.410 of 2015 is hereby set aside remanding the matter to the trial court to pass order afresh after affording reasonable opportunity to both parties in accordance with law and the trial court is directed to decide the petition within 45 days from the date of receipt of this order.

With the above direction, the civil revision petition is disposed of. No costs.

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Miscellaneous petitions, if any, pending in the revision petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 30.09.2016
BV

Note:

CC by 03.10.2016.

B/O. BV

