

HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.924 of 2017

ORDER:

1. This revision petition is filed by the petitioner-plaintiff challenging the order dated 19.11.2016 passed in O.S.No.1 of 2014 by the Sub-Divisional Magistrate, Mobile Court, Rampachodavaram, East Godavari District.
2. The petitioner filed the above case before the learned Magistrate seeking to grant injunction against the respondents-defendants and their men from ever interfering with the peaceful possession and enjoyment of the land leased out to her. The learned Magistrate declined to pass injunction order. Aggrieved by the same, the petitioner-plaintiff filed this revision.
3. Heard and perused the material available on record.
4. The main contention of the learned Counsel for the petitioner is that the learned Magistrate without framing any issues and examining any witnesses passed the order impugned herein.
5. From the material available on record, it is evident that no witness was examined. Even though, it is stated that the issues were framed, but it was not specifically recorded in the order as to the issues and the witnesses examined.
6. Considering the facts and circumstances of the case and the grievance of the petitioner and in the interest of justice, this Court is inclined to pass the following order:

“The order under challenge is set aside and O.S.No.1 of 2014 on the file of the Sub-Divisional Magistrate, Mobile Court, Rampachodavaram, is restored. The learned Magistrate is directed to frame issues specifically and examine the witnesses and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.”

7. With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 6th April, 2017
Nn

RAJA ELANGO, J



HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.924 of 2017

Date: 6th April, 2017

Nn

