

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.518 OF 2017

ORDER:

This Civil Revision Petition is filed challenging the docket order, dated 03.01.2017, in I.A.No.1406 of 2015 in O.S.No.563 of 2015 on the file of the Principal Junior Civil Judge, Rajamahendravaram.

2. Petitioner herein/plaintiff filed O.S.No.563 of 2015 on the file of the Principal Junior Civil Judge, Rajamahendravaram against the respondent/defendant for permanent injunction. Pending suit, the petitioner filed the aforementioned Interlocutory Application under Order XXXIX Rules 1 and 2 seeking ad-interim injunction. *Vide* impugned order, the trial Court held as follows:

“As seen from the averments noted in the Khararunama the same was executed in between Landlord, tenant and sub-tenant in respect of the compromise terms. Whereas the said compromise is not effected as such this suit is filed. The said Khararunama is unregistered and written on white papers, unstamped. Hence it is not an admissible document.”

Challenging the said order, the petitioner filed the present Civil Revision Petition.

3. Heard and perused the material available on record.

4. From a perusal of the order under challenge, it is evident that the trial Court has not passed a speaking order and no reasons were recorded in the said order either for allowing or rejecting the aforementioned application. Hence, the impugned order is set aside and the matter is remanded to the trial Court for

appreciation of the facts and for passing a speaking order giving reasons.

5. Accordingly, the Civil Revision Petition is allowed and remanded. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE RAJA ELANGO

15.03.2017
AMD



THE HONOURABLE SRI JUSTICE RAJA ELANGO



C.R.P.No.518 OF 2017

Date: 15.03.2017

AMD