

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.3090 OF 2017

O R D E R

This civil revision petition under Article 227 of the Constitution arises out of the order dated 10.03.2017 passed by the learned Senior Civil Judge, Medchal, Ranga Reddy District, in I.A.No.105 of 2017 in O.S.No.103 of 2016. The said I.A. was filed by the first respondent herein under Order 9 Rule 7 CPC to set aside the order dated 16.11.2016 whereby it was set *ex parte*. The petitioners herein, being respondents 1 to 5 in the said I.A., filed their counter contesting the claim of the first respondent and its plea for setting aside the order dated 16.11.2016.

By the order under revision, the trial Court observed as under:

‘Heard, petition is allowed on cost of Rs.500/- and on the condition that written statement and counter shall be filed on next date of hearing lest this petition stands dismissed. Call on 30-3-2017.’

When a counter-affidavit was filed by the petitioners, being the respondents in the I.A., contesting the claim of the petitioner in the I.A., it was incumbent upon the trial Court to consider the contentions urged in the said counter-affidavit and record reasons as to why the I.A. was allowed. The order passed by the trial Court does not record any reasons and is brief to the point of being cryptic. There is no evidence of the trial Court having considered the contentions urged in the counter.

On this short ground, the order dated 10.03.2017 passed by the learned Senior Civil Judge, Medchal, Ranga Reddy District, in I.A.No.105 of 2017 in O.S.No.103 of 2016 is set aside and the matter

is remitted to the said Court for consideration afresh on merits and in accordance with law.

The civil revision petition is allowed to the extent indicated above. The trial Court shall endeavour to dispose of the I.A. expeditiously and preferably within four weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

4th AUGUST, 2017

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SANJAY KUMAR, J

