

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.3967 of 2017

ORDER:

Heard Sri D.V.N.Acharya for petitioner and Sri Mahadeva Kanthrigala for respondent.

The defendant in O.S. No.223 of 2011 is the revision petitioner. The defendant challenges the order dated 31.07.2017 in I.A. No.80 of 2017 on two grounds, namely, the counter opposing the prayer in I.A. No.80 of 2017 in fact was filed and the observation of the trial court that counter is not filed is factually incorrect. Even assuming that counter is not filed by the defendant, the trial court could not have assumed the circumstances warranting invocation of its jurisdiction under Order 16 Rules 1 and 2 as prevailing in the case on hand and pass an order without reasons.

I have perused the record and prima facie this Court is of the view that though the prayer is for issuing witness summons, the trial court ought to have at least taken required pains in allowing interlocutory applications.

This Court as matter of course does not expect the trial Courts to render lengthy and meandering orders in every interlocutory applications filed by parties but assist this Court in examining the legality or otherwise of the order passed by it with

sufficient reasons. The trial Court ought to have given reasons either for accepting or refusing the prayer. I am satisfied that the order impugned in the revision is unsustainable and accordingly set aside and I.A. No.80 of 2017 is remitted to trial court for consideration and disposal afresh within one week from today.

The respondent is given liberty to file a memo informing the outcome of the Civil Revision Petition and the revision petitioner herein co-operates for disposing of the application without further delay.

The Civil Revision Petition is allowed and remitted. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 06.09.2017

Note:

Issue C.C. forthwith
(B/o)
Prv



S. V. BHATT, J

THE HON'BLE SRI JUSTICE S.V.BHATT



WRIT PETITION No.32165 of 2012

31-08-2017

Prv

