

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.4246 OF 2016

DATED:23-02-2017

Between:

N. Issak
and others

... Petitioners

And

Gummadi Venkata Siva Nagendra Mani

... Respondent

COUNSEL FOR THE PETITIONERS: Mr. B. Geethanjali Devi,
for Dr. P.B. Vijaya Kumar

COUNSEL FOR THE RESPONDENT: Ms. V. Umadevi



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.14.07.2016 in I.A. No.360 of 2016 in O.S. No.138 of 2015, on the file of the Principal Senior Civil Judge, Gajuwaka.

The petitioners filed the aforementioned suit for perpetual injunction restraining the respondent from interfering with their possession of the suit schedule property. The respondent filed the abovementioned application under Order VII Rule 14 of the Code of Civil Procedure, 1908, for condoning the delay in filing and for receiving the documents. On the same day on which the said application was filed, the lower Court has allowed the same.

The grievance of the petitioners/plaintiffs is two-fold, namely, (i) that the Court below has not given an opportunity to them to file a counter affidavit and oppose the I.A., and (ii) it has not assigned any reason whatsoever for allowing the said I.A.

On a perusal of the record, I find merit in the aforementioned grievances of the petitioners. The I.A. was filed by the respondent on 14.07.2016 and the same was allowed by the lower Court on the same day. Further, the order of the lower Court is cryptic inasmuch as it is bereft of any reasons whatsoever. The approach of the lower Court in disposing of the I.A. in a casual manner without giving an opportunity to the petitioners to oppose the application and without even passing a speaking order, cannot be appreciated for the order passed by it is likely to adversely affect the interests of the petitioners. By not giving the opportunity of opposing the application to the petitioners and by not assigning reasons in support of its decision, the lower Court violated principles of natural justice.

For the aforementioned reasons, the order under revision is set aside. The civil revision petition is accordingly allowed with the direction to the lower Court to dispose of the I.A. afresh, after giving the petitioners an opportunity for filing counter affidavit, hearing both sides and by assigning reasons in support of the order to be passed by it.

As a sequel to disposal of the civil revision petition, C.R.P.M.P. No.5523 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

23-02-2017

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