

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.1984 OF 2016

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the docket order dated 10.03.2016 passed in I.A.No.807 of 2014 in O.S.No.152 of 2013 on the file of the Court of the I-Additional District Judge, Warangal.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that respondent Nos.1 and 2 herein have filed O.S.No.152 of 2013 on the file of the Court of the I-Additional District Judge, Warangal, against the petitioners and respondent Nos.3 to 7 herein for declaration, eviction and recovery of possession in respect of the suit schedule property. Pending suit, the petitioners herein filed I.A.No.807 of 2014 in O.S.No.152 of 2013 under order VIII Rule 1(A) read with Section 151 of C.P.C. to receive the documents. The trial Court dismissed the said petition. Hence, the revision.

4. The trial Court passed a cryptic order while dismissing the petition. Receiving of document would not amount to marking of the document. Whether the documents in question are admissible or not has to be decided only after receiving of the documents. The trial Court has not assigned reasons much less cogent and valid reasons while dismissing the petition.

5. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to set aside the docket order dated 10.03.2016 passed in I.A.No.807 of 2014 in

O.S.No.152 of 2013 on the file of the Court of the I-Additional District Judge, Warangal.

6. Accordingly, the Civil Revision Petition is allowed setting aside the docket order dated 10.03.2016 passed in I.A.No.807 of 2014. Consequently, I.A.No.807 of 2014 in O.S.No.152 of 2013 on the file of the Court of the I-Additional District Judge, Warangal, is restored. The trial Court is hereby directed to dispose of I.A.No.807 of 2014 in O.S.No.152 of 2013 by passing a speaking order. There shall be no order as to costs.

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

Date: 09.02.2017
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T.SUNIL CHOWDARY, J

