

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CIVIL REVISION PETITION No.462 of 2017**

**ORDER:**

This Civil Revision Petition is filed by the petitioner, under Article 227 of the Constitution of India, aggrieved by the docket order, dated 06.01.2017, passed in I.A.No.5 of 2017 in O.S.No.1 of 2017, on the file of the II Additional District Judge, Amalapuram.

Heard and perused the entire material available on record.

The petitioner/plaintiff filed I.A.No.5 of 2017 in O.S.No.1 of 2017 before the II Additional District Judge, Amalapuram, to appoint an Advocate Commissioner to make inventory of house bearing H.No.5-3-110, Surya Nagar, Amalapuram and also at Mogalamurru to find out the plaint B schedule movable property and such other property which can be seen and shown to the advocate commissioner including available cash, bank accounts, tent house business accounts, FDR deposits, promissory notes pertaining to tent house business, gold jewellery, silver ornaments, plates etc., by the time of making the commission inventory and to file his report, wherein the learned trial Judge passed the following docket order on 06.01.2017:

“Batta paid issue by 20/1/2017.”

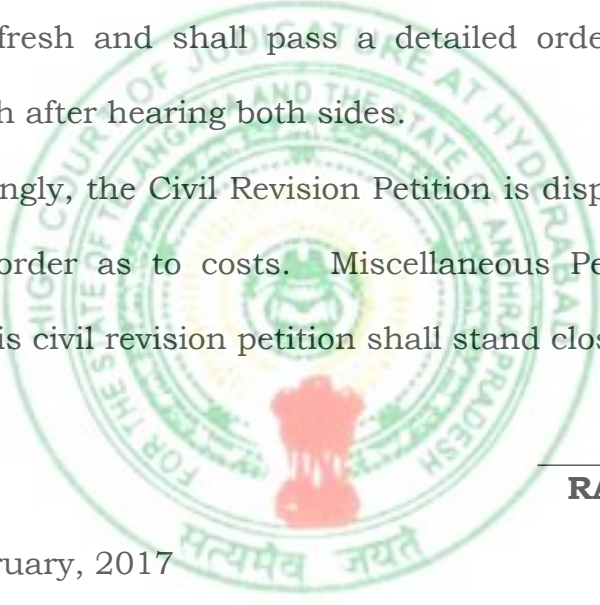
After arguing for some time, learned counsel for the petitioner submitted that the learned trial Judge has passed the impugned docket order, dated 06.01.2017, without hearing the petitioner and without assigning any reasons and hence, the learned counsel for the petitioner prays this Court to direct the

trial Court to pass a detailed order by assigning reasons afresh after hearing the petitioner.

Considering the nature of suit and also the facts and circumstances of the case, without expressing any opinion on merits, this court is of the view that the impugned docket order, dated 06.01.2017, is liable to be set aside.

Accordingly, the Civil Revision Petition is allowed by setting aside the docket order, dated 06.01.2017, passed in I.A.No.5 of 2017 in O.S.No.1 of 2017, on the file of the II Additional District Judge, Amalapuram. The learned trial Judge is directed to hear the matter afresh and shall pass a detailed order by assigning reasons afresh after hearing both sides.

Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.



**RAJA ELANGO,J**

Date: 8<sup>th</sup> February, 2017

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