

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No.4555 OF 2017

ORDER:

Heard Sri G.Sravan Kumar, learned counsel for the petitioners/defendant Nos.1 to 3, and Sri K.Manik Prabhu, learned counsel for respondent Nos.1 and 2/plaintiffs.

2. Respondent Nos.1 and 2 herein instituted O.S.No.91 of 2010 on the file of the Junior Civil Judge, Pattikonda, Kurnool District for declaration that the registered gift deed, dated 23.02.2010, is null and void. During the course of evidence of P.W.1., plaintiffs sought to mark Ex.A-3 document viz., agreement for pasupu kumkuma, dated 03.12.1982. When the petitioners herein raised objection for marking of the same, the learned Judge, on 09.08.2017, passed an order and the said order reads as under:

“Heard both sides. The document in schedule is allowed to be marked. Plaintiff is directed to commence trial. Call on 17.08.2017.”

The above said order passed by the learned Judge is under challenge in the present revision.

3. The principal contention advanced by the learned counsel for the petitioners is that though the petitioners herein raised an objection for marking of the above said agreement, dated 03.12.1982, the learned Judge passed the above said order without assigning any reasons. It is very much evident from a reading of the above order that the learned Judge did not assign any reasons whatsoever for ordering the document to be marked. When an objection is taken on admissibility of the document, it is

incumbent on the part of the Court to answer the said objection. A perusal of the impugned order shows that the learned Judge did not assign any reason in the impugned order. On this ground alone, the impugned order is liable to be set aside and the matter is liable to be sent back.

4. Accordingly, the Civil Revision Petition is allowed, setting aside the docket order, dated 09.08.2017, in O.S.No.91 of 2010 on the file of the Junior Civil Judge, Pattikonda, Kurnool District, and it is open for the learned Judge to pass an order afresh after hearing. There shall be no order as to costs.

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

Date : 15.12.2017
AMD

JUSTICE A.V.SESHA SAI



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