

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.1426 OF 2015

ORDER:

1 This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dated 28.11.2014 passed in I.A.No.1158 of 2014 in I.A.No.1174 of 2013 in O.S.No.1262 of 2002 on the file of the Court of the I Senior Civil Judge, City Civil Court, Hyderabad.

2 The petitioner personally present in the open court. Heard the learned counsel for the respondent Nos.3 to 6.

3 A perusal of the record reveals that preliminary decree was passed in O.S.No.1262 of 2002 on the file of the Court of the I Senior Civil Judge, City Civil Court, Hyderabad. The trail Court allowed I.A.No.1174 of 2013 in O.S.No.1262 of 2002 on 17.6.2014 appointing an Advocate Commissioner to divide the suit schedule property in pursuance of the preliminary decree. It appears that the Advocate Commissioner filed his report before the trail Court. A perusal of the record reveals that on 28.11.2014, the petitioner filed objections in I.A.No.1158 of 2014 for sale of the suit schedule property. On the same day i.e. on 28.11.2014 the trail Court allowed I.A.No.1158 of 2014 in O.S.No.1262 of 2002 appointing Sri Mohd. Azmat as Advocate Commissioner to sell the suit schedule property in public auction. Feeling aggrieved by the orders of the trail Court, the petitioner filed the present Civil Revision Petition.

4 A perusal of the record clearly demonstrates that the trail Court has not passed speaking order. The trail Court simply passed orders on docket without taking into consideration the seriousness of the

matter and also the prejudice likely to be caused to the petitioner. If the order is allowed to stand, certainly, it would amount to miscarriage of justice. Ex facie, there is illegality and irregularity in the impugned order. Therefore, it is a fit case to set aside the impugned order while exercising jurisdiction under Article 227 of the Constitution of India.

5 In the result, the Civil Revision Petition is allowed, setting aside the order dated 28.11.2014 passed in I.A.No.1158 of 2014 in I.A.No.1174 of 2013 in O.S.No.1262 of 2002 on the file of the Court of the I Senior Civil Judge, City Civil Court, Hyderabad. The trial Court is hereby directed to dispose of I.A.No.1158 of 2014 by affording a reasonable opportunity to both parties as expeditiously as possible, at any rate, on or before 31.07.2017 since the suit is of the year 2002. No order as to costs. As a sequel, miscellaneous petitions if any pending in this revision petition shall stand closed.

Date: 20.04.2017

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T. SUNIL CHOWDARY, J.