

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.622 OF 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the order dated 30.12.2016 passed in I.A. No.198 of 0216 in O.S. No.678 of 2010 by the XIII Additional Chief Judge (FTC), City Civil Courts, Hyderabad, whereby the learned Additional Chief Judge allowed the petition under Rule 17 of Order VI of the Code of Civil Procedure, 1908 (for short 'CPC').

The learned counsel for the revision petitioner submitted that the respondents in I.A. filed their counter dated 18.10.2016, but denied the reporting of no objection.

None appeared for respondent though notice is served.

The order passed by the trial court is as follows:

“Heard petitioner no objection is reported by the respondents. Perused the petitioner averments this petition is permitted to Amend the cause title.”

Even if the respondents reported no objection, the court is required to decide the application recording its own reasons.

In view of the denial of reporting no objection by the revision petitioner, the cryptic order passed by the trial court is liable to be set aside.

In the result, the civil revision petition is allowed, setting aside the order dated 30.12.2016 in I.A. No.198 of 2016 in O.S. No.678 of 2010 passed by the XIII Additional Chief (FTC), City Civil

Court, Hyderabad, while remanding the matter to the trial court to decide the petition, in accordance with law, after affording reasonable opportunity to both parties.

Miscellaneous Petitions, if any, pending in this revision shall stand closed. There shall be no order as to costs.

M.SATYANARAYANA MURTHY,J

Date:10.07.2017
BV

