

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.400 of 2017

ORDER:

This Civil Revision Petition is filed by the petitioners-defendants, under Article 227 of the Constitution of India, aggrieved by the order, dated 28.11.2016, passed in I.A.No.1349 of 2016 in O.S.No.84 of 2009, on the file of the Junior Civil Judge, Razole, East Godavari District, Andhra Pradesh.

2. Heard and perused the entire material available on record.

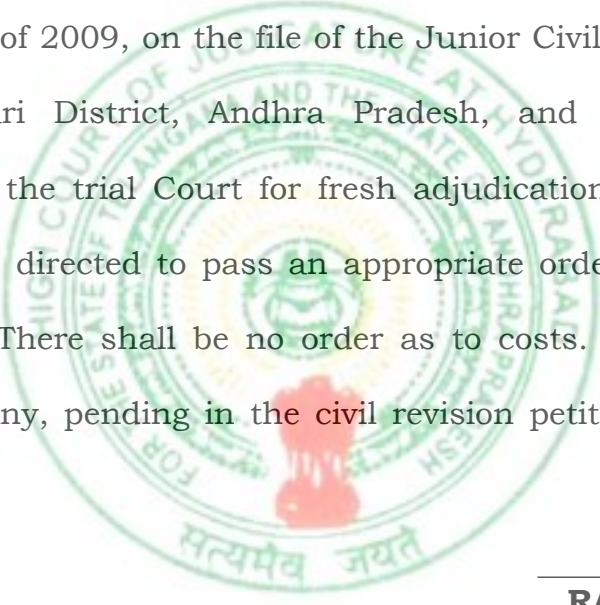
3. The petitioners-defendants filed I.A.No.1349 of 2016 in O.S.No.84 of 2009 before the Junior Civil Judge, Razole, East Godavari District, Andhra Pradesh, under Order 6 Rule 17 read with Section 151 CPC, seeking to amend the written statement by way of introducing some facts in para 9(A), whereby the trial Court passed the following order:

“Heard the counsels for petitioners and respondent.
Since trial started long back, hence, the amendment cannot be allowed. Hence, the petition is dismissed.”

4. Learned counsel for the petitioners contended that the petitioners-defendants have filed the I.A.No.1349 of 2016 to amend the written statement to specify the stand already taken in the written statement with regard to the document, dated 13.04.1970, executed by Late Veeraswamy specifying that the said document is Will but not Settlement Deed as pleaded by the plaintiff and the trial Court ought to have allowed the said I.A. and that the impugned order is liable to be set aside.

5. Without going into the merits of the contention of the petitioners-defendants, on perusal of the impugned order, this Court is of the view that whenever an application is filed, necessarily a detailed order need to be passed. In the present case, the trial Court has not passed the impugned order by assigning any reasons. Hence, this Court is of the view that the matter can be remanded to the trial Court to pass an appropriate order after hearing both sides.

6. Accordingly, the Civil Revision Petition is allowed by setting aside the order, dated 28.11.2016, in I.A.No.1349 of 2016 in O.S.No.84 of 2009, on the file of the Junior Civil Judge, Razole, East Godavari District, Andhra Pradesh, and the matter is remanded to the trial Court for fresh adjudication. The learned trial Judge is directed to pass an appropriate order after hearing both sides. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in the civil revision petition shall stand closed.



RAJA ELANGO,J

Date: 12th April, 2017

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