

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.6481 OF 2016

ORDER:

This civil revision petition is filed under Section 115 of Code of C.P.C, challenging the order passed in E.A.No.02 of 2016 in E.P.No.06 of 2015 dated 16.11.2016 by the VIII Additional District and Sessions Judge, Medak District, whereby, the District Court dismissed E.A.No. 27 of 2017 by restoring police protection until further orders.

Earlier thereto, C.R.P.No.277 of 2016 was filed questioning order dated 06.01.2016 through which the VIII Additional District & Sessions Judge, Medak granted police protection as prayed, in E.A.No.02 of 2016 in E.P.No.06 of 2015. This Court vide order dated 28.03.2016 disposed of C.R.P.No.277 of 2016 by setting aside the order dated 06.01.2016 and directed the Court below to decide the matter afresh after giving opportunity to revision petitioner to file his objections and then decide in accordance with law.

As seen from the order dated 16.11.2016, it is evident that the order is unreasoned, cryptic and contrary to the principles laid down by the Supreme Court in The Apex Court in **Board of Trustees of Martyr Memorial Trust and another v Union of India and others**¹ in similar situation, held as follows:

“It is the duty of the Court to state its decision on each issue by due application of mind, clarity of reasoning and focused consideration. A slipshod consideration or cryptic order or decision without due reflection on the issues raised in the matter, may render

¹ 2012(10) SCC 734

such decision unsustainable. Hasty adjudication must be avoided. Each and every matter that comes to the Court, must be examined with the seriousness it deserves.”

In view of the law declared by the Apex Court in the above judgment, it is for the Court to decide the issues with same seriousness it deserves and the Court shall not leave any stone unturned while passing an order. But here, the order under challenge was passed without assigning any reasons. Hence, the order is liable to be set-aside.

In the result, the civil revision petition is disposed of by setting aside the order dated 16.11.2016 in E.A.No.02 of 2016 in E.P.No.06 of 2015 dated 16.11.2016, remanding the matter to the Trial Court to decide the matter afresh after giving opportunity to revision petitioner to file his objections and then decide in accordance with law. No costs.

Consequently, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:07.04.2017

SP