

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.3083 OF 2014

ORDER:

This civil revision petition is filed challenging the docket order in I.A.No.2 of 2014 in O.S.No.303 of 2014 (old O.S.No.34 of 2013) dated 24.07.2014 passed by the Additional Junior Civil Judge, Husnabad, allowing the application filed under Order IX Rule 13 C.P.C, setting aside the *exparte* decree dated 30.06.2014 and restoring O.S.No.303 of 2014 to its original number.

The first and foremost ground raised before this Court is that the learned counsel made an endorsement that he handed over the record to the party and therefore, requested to send notices to the party. Further, the learned counsel contended that, the Trial Court without directing the respondent herein to serve notices on the party, allowed the application without recording any reasons.

As seen from the docket order in I.A.No.2 of 2014 dated 24.07.2014, the Trial Court while allowing the application, did not record any reason for setting aside the *exparte* order. Thus, the order is bereft of the requirements of recording reasons and such process of reasoning cannot be dispensed with in any matter. Therefore, the order passed by the Trial Court in I.A.No.2 of 2014 is set aside, while directing the Additional Junior Civil Judge, Husnabad to decide the application in accordance with law, assigning reasons to its order, within a period of one week from the date of receipt of copy of this order.

With the above direction, the civil revision petition is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:18.07.2017

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Note: Issue copy by 18.07.2017
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