

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.5811 of 2017

ORDER :

Heard both sides.

2. Though counsel for the plaintiffs/respondent Nos.1 and 2 submit that earlier I.A.No.1165 of 2015 was ended in dismissal on 11.12.2015 that was seeking rejection of plaint for want of jurisdiction to maintain a civil suit from the arbitration clause, on merits, the dismissal of I.A.No.962 of 2016 on 21.03.2017 by the IX Additional Chief Judge, City Civil Court, Hyderabad, is justified and by sitting in revision there is nothing to interfere; however, from perusal of the very order impugned, dated 21.03.2017, in I.A.No.962 of 2016, what the Court observed in the application filed under Section 8 of the Arbitration and Conciliation Act, to refer the parties to arbitration from the arbitration agreement with a clause envisaged for arbitration, the only sentence is, petition dismissed as do not find any justifiable reason to extend time and by further adding already a petition under Order VII Rule 11 C.P.C. is dismissed in I.A.No.1165 of 2015, dated 11.12.2015. This order is without adverting to the facts and without even assigning reason and not even mentioned as order in I.A.No.1165 of 2015 is appended as part of the order herein and the order is erroneous in mentioning that it is as if an application for extension of time, thereby the order is to be set aside.

3. Accordingly and in the result, the civil revision petition is allowed by setting aside the impugned order, dated 21.03.2017, in I.A.No.962 of 2016, with a direction to the lower Court to dispose of the application since restored by assigning reasons on own merits as early as possible.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

15th December 2017.

mar

Dr. B. SIVA SANKARA RAO, J

