

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRP No.568 of 2018

ORDER:

1 This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 20.07.2017 passed in I.A.No.820 of 2015 in O.S.No.228 of 2012 on the file of the Court of the Additional Senior Civil Judge, Gudivada.

2 Heard the learned counsel for both parties.

3 The point that arises for consideration is “whether there is any illegality, irregularity or impropriety in the impugned order?”

4 A perusal of the record reveals that the petitioner filed O.S.No.228 of 2012 against the respondent for recovery of the suit amount basing on the promissory note. After completion of evidence on both sides, the petitioner filed I.A.No.820 of 2015 to reopen the matter to recall P.W.3. The respondent filed counter opposing the claim of the respondent. The trial court, after affording a reasonable opportunity to both parties, allowed the petition. Hence the present Civil Revision Petition.

5 It is needless to say that while disposing of interlocutory applications, the court has to pass speaking order. If no speaking order is passed by the trial court, it may not be possible for the revisional court to decide the sustainability of the same. In the present case, the trial court allowed the petition without assigning reasons much less cogent and valid reasons. If the order of the trial court is allowed to stand, certainly, it would amount to miscarriage of justice.

6 Having regard to the facts and circumstances of the case and nature of the suit, this Court is of the considered view that this is a fit case to allow the Civil Revision Petition and remand the matter to the trial Court for fresh disposal.

7 In the result, the Civil Revision Petition is allowed, the order dated 20.07.2017 passed in I.A.No.820 of 2015 in O.S.No.228 of 2012 on the file of the Court of the Additional Senior Civil Judge, Gudivada is hereby set aside, remanding the matter to the trial Court. The trial court is hereby directed to dispose of I.A.No.820 of 2015 in accordance with law afresh. No order as to costs. As a sequel, miscellaneous petitions, if any pending in this Civil Revision Petition shall stand closed.

Date: 17.12.2018

Kvsn

T.SUNIL CHOWDARY, J

