

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.76 OF 2013

ORDER:

Heard Mr.P.R.Balarami Reddy and Mr.Vijay B.Paropakari,
learned counsel appearing for parties.

The plaintiffs in O.S.No.583 of 2010 in the Court of Principal
Junior Civil Judge, Ranga Reddy District are revision petitioners. The
suit is filed for perpetual injunction restraining respondent Nos.12 to
15 from interfering with possession and enjoyment of suit schedule
properties claimed by revision petitioners.

Respondent Nos.1 to 11 filed I.A.No.809 of 2011 under Order 1
Rule 10 CPC to implead them as defendant Nos.5 to 15 in the suit.

The revision petitioners filed counter affidavit taking
objections on fact and law and also claimed the status of *dominus*
litus of revision petitioners in conducting the suit.

This Court is relieved of referring to the circumstances either
stated by respondent Nos.1 to 11 and revision petitioners herein in
support of their respective versions, for the order under revision
reads thus :-

“Upon consideration of rival written contentions
of parties, D5 to 18 be added as parties as
prayed for in O.S
Accordingly, petition allowed.”

The order under revision does not satisfy any of the facets of
application of fact in issue and adjudication of a right by a court of
competent jurisdiction.

This Court is of the view that the trial Court assumed that the
reasons which weighed with it will have to be inferred and

understood by a Court of superior jurisdiction when its orders are assailed by a party aggrieved by its decision. Such a luxury is not available in the process of adjudication.

Though Mr. Balarami Reddy seeks time to get instructions on the present stage of litigation between the parties, I am satisfied that the order under Revision can be set aside. I.A. is restored and remitted to trial Court for consideration afresh in accordance with law.

Hence, the order under Revision is set aside and I.A.No.809 of 2011 is remitted to the trial Court for consideration and disposal in accordance with law within fifteen (15) days from the date of receipt of a copy of this order. The trial Court considers and disposes of the suit as expeditiously as possible, preferably within two (02) months from the date of receipt of a copy of this order.

The Civil Revision Petition is ordered, as indicated above. No order as to costs.

Pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

Date: 26-11-2018
Prv