

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.3269 of 2017

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, assailing the order dated 03.3.2017 passed in O.S.No.64 of 2011 on the file of the Court of Senior Civil Judge, Kothapeta, East Godavari District.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the petitioner filed the suit against the respondents for specific performance of oral agreement of sale dated 03.3.2000. During the course of trial, the petitioner tendered the document dated 03.9.2000 for the purpose of marking. The respondents raised objection at the time of marking the document dated 03.9.2000 as if it is an agreement of sale. The trial Court upheld the objection raised by the respondents. Hence, the revision.

4. The point that arises for consideration in this revision petition is:

Whether there is any illegality, irregularity or impropriety in the impugned order?

5. At the time of hearing, learned counsel for both the parties submitted that the trial Court has not properly considered the recitals of the document dated 03.9.2000. This Court perused the impugned order, which contains number of corrections. A perusal of the record reveals that the dates are also not correctly mentioned in the order under challenge.

6. Taking into consideration the facts and circumstances of the case, this Court is of considered view that it is a fit case to set aside the impugned order and remand the matter to the trial Court for passing fresh order in accordance with law.

7. In the result, the civil revision petition is allowed, setting aside the order dated 03.3.2017 passed in O.S.No.64 of 2011 on the file of the Court of Senior Civil Judge, Kothapeta, East Godavari District. The trial Court is hereby directed to hear both the parties, with regard to marking of document dated 03.9.2000, and pass appropriate orders afresh, in accordance with law. Miscellaneous petitions if any pending in this revision petition shall stand closed.

Date: 19.9.2018
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T.SUNIL CHOWDARY, J.

