

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

AND

HON'BLE SMT JUSTICE T. RAJANI

CIVIL REVISION PETITION No.1984 OF 2018

ORDER: (*Per Hon'ble Sri Justice C. Praveen Kumar*)

The present Civil Revision Petition came to be filed, under Article 227 of the Constitution of India, assailing the docket order, dated 16.03.2018, passed in I.A. No.163 of 2018 in C.O.S. No.41 of 2017 by the Commercial Court-cum-XXIV Additional Chief Judge, City Civil Court at Hyderabad; wherein, the application filed by one Goppal Reddy Gade (P.W.1), under Section 151 R/w.Order 26(2) of C.P.C., seeking appointment of an Advocate Commissioner and also to record the evidence of Sri T. Ramachandra Reddy (P.W.2) through video conference, was allowed.

The only ground urged by the learned counsel for the petitioner is that the alleged application was filed on 16.03.2018 and the impugned order was also passed on the same day without giving any opportunity to the petitioner herein to file his counter and contest the matter. The same is not seriously disputed by the learned counsel for the respondent.

A perusal of the impugned order, nowhere it indicates that the petitioner herein was heard. The fact that the impugned order came to be passed on 16.03.2018 *i.e.*, on the very same day on which the application was moved, is not in dispute. Hence, we are of the view that the impugned order came to be passed without giving any opportunity to the petitioner herein to file his counter and contest the matter, thereby violating the principles of natural justice.

Considering the above and without going into merits of the case, the Civil Revision Petition is allowed setting-aside the docket order dated 16.03.2018 passed in I.A. No.163 of 2018 in C.O.S. No.41 of 2017 by the Court below and the matter is, accordingly, remanded to the Court below to decide the I.A. No.163 of 2018, in accordance with law, afresh, after giving due opportunity to both parties, as early as possible, preferably within a period of three (3) weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

C. PRAVEEN KUMAR, J

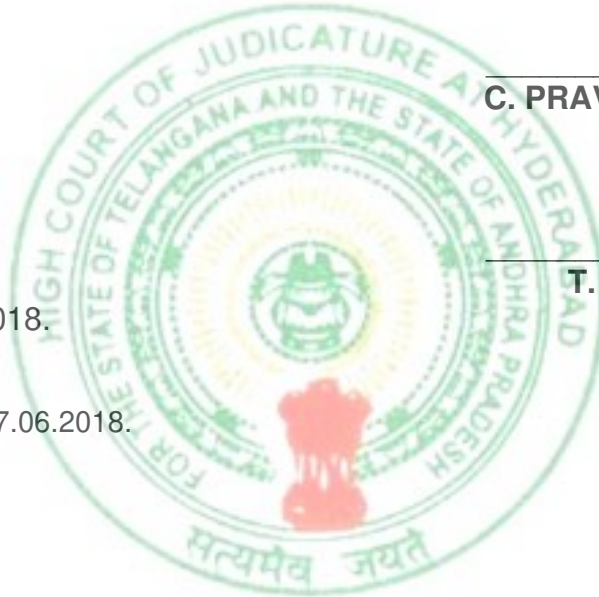
T. RAJANI, J

Date: 25-06-2018.

Note:

Issue C.C. by 27.06.2018.

Dsh



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C.C. BY 27.06.2018

CIVIL REVISION PETITION No.1984 OF 2018

(Order of the Division Bench delivered by
Hon'ble Sri Justice C. Praveen Kumar)

Date. 25-06-2018

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