

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.R.P.No.1565 of 2016

ORDER:

This revision petition is filed under Article 227 of the Constitution of India assailing the orders dated 03.12.2013 passed in I.A.No.2296 of 2012 in O.S.No.637 of 2009 on the file of II Additional Chief Judge Court, City Civil Courts, Hyderabad.

2. In spite of service of notice, the respondents did not choose to appear and oppose the petition. Hence, this Court is inclined to pass orders on merits. Heard the learned counsel for the petitioners and perused the record.

3. The facts leading to filing of this revision petition are briefly as follows:

The petitioners filed O.S.No.637 of 2009 on the file of II Additional Chief Judge Court, City Civil Courts, Hyderabad, against the respondents for declaration of title in respect of the suit schedule property. After completion of evidence of both parties, the respondents filed I.A.No.2296 of 2012 under Order XVIII Rule 17 read with Section 151 CPC to recall P.W.1. The petitioners filed counter opposing recall of P.W.1. The trial Court after affording a reasonable opportunity to both parties, allowed the petition. Hence, the revision.

4. It is needless to say that the Court, while passing orders in interlocutory applications, has to assign reasons much less cogent and valid reasons. As rightly pointed out by the learned

counsel for the petitioners, the trial Court reproduced the petition and counter averments and simply allowed the petition without assigning reasons. The trial Court has not assigned reasons much less cogent and valid reasons to its findings. Taking into consideration the facts and circumstances of the case, this Court is of a considered view that it is a fit case to remand the matter to the trial Court for fresh disposal.

5. Accordingly, the Civil Revision Petition is allowed setting aside the orders dated 03.12.2013 in I.A.No.2296 of 2012. The trial Court is hereby directed to dispose of I.A.No.2296 of 2012 afresh after affording a reasonable opportunity to both parties in accordance with law. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dt:26.11.2018
Rns

T.SUNIL CHOWDARY, J



