

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.81 OF 2013

ORDER:

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

The plaintiff in O.S.No.622 of 2010 in the Court of Principal Junior Civil Judge, Ranga Reddy District is the revision petitioner. 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 petitioner.

Respondent Nos.1 to 11 filed I.A.No.805 of 2011 under Order 1 Rule 10 CPC to implead them as defendant Nos.5 to 15 in the suit.

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

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

“Upon consideration of rival written contentions, the petitioners are permitted to add as D5 to D15 in O.S.
Petition allowed accordingly.”

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.805 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.

Date: 26-11-2018
Prv

S.V.BHATT, J