

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.2269 of 2018

ORDER:

This civil revision petition is filed by the plaintiff, under Article 227 of the Constitution of India, assailing the order dated 13.3.2018 passed in I.A.No.444 of 2018 in O.S.No.294 of 2015 on the file of the Court of III Additional Chief Judge, City Civil Court, Hyderabad.

2. The petitioner filed O.S.No.294 of 2015 on the file of the Court of III Additional Chief Judge, City Civil Court, Hyderabad seeking to declare her as owner and possessor of the suit schedule property. The respondent filed written statement opposing the claim of the petitioner. During the pendency of the suit, the respondent filed I.A.No.444 of 2018 under Order VIII Rule 1-A (3) of CPC. The petitioner filed counter opposing the petition. The trial Court, after affording reasonable opportunity to both the parties, allowed the petition. Hence, the revision.

3. The learned counsel for the petitioner strenuously submitted that the trial Court allowed the petition without taking into consideration the scope of Order VIII Rule 1-A(3) of CPC. *Per contra*, the learned counsel for the respondent submitted the trial Court passed the order, basing on the material available on record; therefore, it is not a fit case to allow 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, warranting interference of this Court?

5. As rightly pointed out by the learned counsel for the petitioner, the trial Court has not given any specific finding with regard to Order VIII Rule 1-A of CPC. The Court, while allowing or dismissing a petition, has to assign reasons much less cogent and valid reasons to its findings. For one reason or the other, the trial Court has not considered the scope of Order VIII Rule 1-A of CPC.

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

7. In the result, the civil revision petition is allowed, setting aside the order dated 13.3.2018 passed in I.A.No.444 of 2018 in O.S.No.294 of 2015 on the file of the Court of III Additional Chief Judge, City Civil Court, Hyderabad. I.A.No.444 of 2018 stands remanded to the trial Court. The learned III Additional Chief Judge, City Civil Court, Hyderabad is hereby directed to dispose of I.A.No.444 of 2018 afresh in accordance with law, more particularly keeping in view the scope of Order VIII Rule 1-A of CPC. Miscellaneous petitions, if any pending in this revision shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.11.2018
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