

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P.No.3895 OF 2017

ORDER:

This revision petition is filed under Article 227 of the Constitution of India challenging the order dated 14.06.2017 in I.,A.No.125 of 2017 in I.A.No.116 of 2016 in O.S.No.1075 of 2016 passed by the XIX Junior Civil Judge, City Civil Court, Hyderabad.

The petitioners/plaintiffs filed petition under Section 151 C.P.C. to provide police aid to implement interim order passed by the Court below granting temporary injunction during pendency of the suit as the respondents are trying to interfere with the possession.

The respondents opposed the same.

However, the Court below passed the cryptic order without second page of order denying the relief claimed in the petition, and dismissed the same.

Learned counsel for the petitioners raised the said ground in the grounds of revision also and having found the same, this Court directed counsel for the petitioners to verify and produce the correct and complete copy of the impugned order. Learned counsel for the petitioners reported that the original order is identical to the certified copy. Thus, the impugned order passed by the Court below is incomplete and in the absence of 2nd page in the impugned order, it is difficult to decide the matter by this Court on merits.

Learned counsel for the petitioners filed memo bringing to the notice of this Court that the suit was transferred to XVII Additional Senior Civil Judge, Hyderabad and renumbered as O.S.No.1298 of 2017.

Therefore, taking into consideration of present facts and circumstances of the case, the impugned order dated 14.06.2017 in I.A.No.125 of 2017 in I.A.No.116 of 2016 in O.S.No.1075 of 2016 (new O.S.No.1289 of 2017 on the file of XVII Additional Senior Civil Judge, City Civil Court, Hyderabad) passed by the XIX Junior Civil Judge, City Civil Court, Hyderabad is hereby set aside and remanded to the file of XVII Additional Senior Civil Judge, City Civil Court, Hyderabad to dispose of the petition within 10 days from the date of receipt of a copy of this order in accordance with law since the order is incomplete.

With the above direction, the civil revision petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

26.02.2018
kvrn

M. SATYANARAYANA MURTHY,J