

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.2482 OF 2017

ORDER:

Heard Ms.Uma Devi holding for Ms.Padmavathi for revision petitioner. No representation for respondent No.1.

Defendant No.3 is the revision petitioner. The 1st respondent filed suit for perpetual injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the plaintiff of plaint schedule property. On 27.04.2017, the 1st respondent filed I.A. No.149 of 2017 to reopen the suit for filing documents. On 02.05.2017, the trial Court allowed the application. The order reads thus:

“ Counsel present but not filed counter. Hence, the petition is allowed.”

This Court is not looking at the brevity with which the order impugned in the CRP is passed. In the supervisory jurisdiction of this Court under Article 227 of the Constitution of India what is examined is whether at any one of the stages right from 27.04.2017 till 02.05.2017 there is application of mind by the Court below. The affidavit filed by the 1st respondent hardly contains any details except the demand of the 1st respondent to permit 1st respondent to introduce the documents referred in the said application. The learned trial Judge would have done better, if he has taken note of stage of the suit and whether these documents do have foundation in the plaint etc. As the order impugned bears only a few words, this Court does not want to burden its order with long and lengthy reasoning for setting aside the order impugned in the revision. The

order impugned in the CRP is set aside. The trial Court is directed to dispose of the suit as expeditiously as possible preferably within six weeks from the date of receipt of a copy of this order.

The C.R.P. is ordered accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:30.08.2018

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