

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.1792 OF 2011

ORDER:

Heard Mr.Bethi Venkateshwarlu and Mr.Venkateshwar Varanasi for parties.

The revision petitioner is the plaintiff. The revision petitioner is filed I.A.Nos.2553 of 2008 and 2554 of 2009 for reliefs of recalling PW.1 and also grant leave to receive the document referred in the petition. The revision petitioner places certified true copies of the orders in I.A. Nos.2553 of 2008 and 2554 of 2008. These two orders are filed as material paper at page Nos. 11 and 15.

At Page No. 11, it appears the trial Court has written:

"received documents". "5.3.09 hearing". Hence....."

The case of Mr.Bethi Venkateshwarlu is that I.A. No.2553 of 2008 was allowed and the revision petitioner is ready for further examination. He further submits that I.A. No.2554 of 2008 was also allowed on 05.03.2009, but contrary to the said order on 10.11.2009, the order which is filed as material page No.5, is passed. Once I.A. No.2554 of 2008 was allowed, according to him, the Court ought not to have passed fresh order in I.A. No.2554 of 2008.

The counsel makes no bone in his submission that the manner in which the docket is written does not conform to standard practice of writing the docket or docket order. He points out that either the application is allowed or dismissed, there is no need for leaving substantial space for a purpose not disclosed in the docket order. According to him, by leaving such gaps, it raises any number

of doubts in the mind of litigant public. He wants this Court to accept the order passed on 05.03.2009 and allow the CRP.

Mr.Venkateshwar Varanasi submits that the docket order dated 05.03.2009 in I.A. No.2554 of 2008 is not clear and if there is gap in docket order, it is for the Officer to explain. He contends that no order is passed in I.A. No.2554 of 2008 and the trial Court on 10.11.2009 passed order in I.A. No.2554 of 2009.

After perusing the record and taking note of the submissions of the learned counsel appearing for the parties, this Court is of the view that the contention now canvassed for revision petitioner cannot be brushed aside without further examination. Therefore, this Court allows the CRP by setting aside the order dated 10.11.2009 and sends the matter back to trial Court to look into the record in I.A.Nos.2553 of 2008 and 2554 of 2008 and find out whether these applications, in fact, have been allowed. The trial Court after looking into the record, if notices an omission or error in the proceedings maintained by the Court, forwards a report to the learned Principal District Judge for appropriate further action in this behalf.

The CRP is allowed as indicted above. The trial Court, if is of the view that on 05.03.2009 I.A. No.2554 of 2008 in fact, was allowed, stipulates time for appearance of revision petitioner as PW.1 and complete the evidence. The suit is of the year 2003. After 15 years from the date of institution, the system is till grappling with nuances resulting in either on account of choice or design. Hence,

this Court directs the trial Court to dispose of the suit as expeditiously as possible, preferably within two months from today.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:06.09.2018

Note:

C.C. forthwith.

B/o.

Sp

