

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3397 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 25.04.2018 passed in I.A.No.1270 of 2018 in Election O.P.No.630 of 2016 on the file of the Chief Judge, City Civil Court, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. A perusal of the record reveals that the first respondent herein filed O.P.No.630 of 2016 on the file of the Chief Judge-cum-Election Tribunal, City Civil Courts at Hyderabad, against the petitioner herein and others seeking to set aside the election of the petitioner on various grounds. After completion of the petitioner's side evidence, the petitioner herein filed I.A.No.1270 of 2018 in Election O.P.No.630 of 2016 to receive the documents. The first respondent also filed I.A.Nos.1785 and 1786 of 2018 seeking different reliefs. The trial Court passed a common order in all the three interlocutory applications. The trial Court dismissed I.A.No.1270 of 2018 and allowed I.A.Nos.1785 and 1786 of 2018. The trial Court simply made an observation that the petitioner is at liberty to cross-examine the witnesses. The cross-examination of the proposed witnesses has nothing to do with the passing of the orders on merits in I.A.No.1270 of 2018. The trial Court has not assigned reasons much less cogent and valid reasons while dismissing the petition. If the order of the trial Court is allowed to stand, certainly it would amount to miscarriage of justice.

4. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is a fit case to set aside the order dated 25.04.2018 passed in I.A.No.1270 of 2018 in Election O.P.No.630 of 2016 on the file of the Chief Judge, City Civil Court, Hyderabad and remand the matter to the trial Court.

5. In the result, the Civil Revision Petition is allowed setting aside the order dated 25.04.2018 passed in I.A.No.1270 of 2018 in Election O.P.No.630 of 2016 on the file of the Chief Judge, City Civil Court, Hyderabad, and remanding the matter to the trial Court. The trial Court is hereby directed to dispose of I.A.No.1270 of 2018 on merits by passing a reasoned order. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

Date: 22.06.2018
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T.SUNIL CHOWDARY, J