

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.4173 of 2018

ORDER:

This civil revision petition is filed by the petitioners, under Article 227 of Constitution of India, assailing the order dated 10.7.2018 passed in I.A.No.3199 of 2018 in CMA No.79 of 2018 on the file of the Court of Chief Judge, City Civil Court, Hyderabad.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the respondent preferred CMA No.79 of 2018 challenging the order dated 27.6.2018 passed in Proceedings No.PAG (Audit)/TS/Estate/2018-19 by the Estate Officer, Hyderabad. Along with the CMA, the respondent filed I.A.No.3199 of 2018 for removal of the seal. The lower appellate Court allowed the petition without giving opportunity to the petitioners herein. Hence, the revision.

4. It is needless to say that the Court shall not pass final order, in the interlocutory application, without notice to the respondent. If the order is passed without notice to the affected party, certainly it would amount to violation of the principles of natural justice. If the impugned order is allowed to stand, it would amount to miscarriage of justice.

5. Taking into consideration the facts and circumstances of the case, this Court is of considered view that it is a fit case to set aside the impugned order.

6. In the result, the civil revision petition is allowed, setting aside the order dated 10.7.2018 passed in I.A.No.3199 of 2018.

Consequently, I.A.No.3199 of 2019 in CMA No.79 of 2018 on the file of the Court of Chief Judge, City Civil Court, Hyderabad, is restored. In view of peculiar facts and circumstances of the case, the lower appellate Court is hereby directed to dispose of I.A.No.3199 of 2018 on merits, after affording reasonable opportunity to both parties, within a period of ten days from the date of receipt of a copy of this order. Miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 23.7.2018

NOTE:

Dispatch order copy by 24.7.2018.

(By order)

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