

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.210 of 2011

ORDER

This revision under Section 115 of CPC is filed challenging the order dated 24.11.2010 passed in E.P.No.59 of 2009 in O.S.No.156 of 2000 by the Junior Civil Judge at Huzurnagar, based on the memo closing the E.P.

2. The second respondent/decreed-holder filed a memo before the Court below on 26.10.2010 informing about the orders passed in various proceedings by this Court and requested the Court to confirm the sale held on 09.03.2005 in E.P. and issue sale certificate in the name of the auction purchaser in the interest of justice at an early date. The memo is not permitted either under CPC or under Civil Rules of Practice and filing a memo inviting a judicial order by the petitioner is illegal and passing an order closing the memo is a serious irregularity committed by the Court below.

3. In view of the Judgment of this Court in ***Syed Yousuf Ali v. Mohammad Yousuf and others***¹, a memo is only an information to the Court and it is neither contemplated under the Code of Civil Procedure nor Civil Rules of Practice and no judicial Order can be passed on a memo since it is an information to the Court. Therefore, filing memo by the petitioner inviting a judicial order and passing an order on the memo itself by the Court below is illegal.

4. Therefore, the order passed by the Court below is hereby set aside, leaving it open to the petitioner to file appropriate application.

¹ 2016(2) ALT 557

5. Accordingly, the Civil Revision Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

7th March, 2018

sj

