

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL MISCELLANEOUS APPEAL No.982 of 2018

JUDGMENT:

This appeal is filed under Order 43 Rule 1 CPC assailing the order dated 07.08.2018 passed in I.A.No.798 of 2016 in O.S.No.1146 of 2016 on the file of the Court of VII Senior Civil Judge, City Civil Court, Hyderabad.

2. Heard the learned counsel appearing for both the parties.

3. At the time of arguments, both counsel with one voice submitted that the trial Court has not referred the documents marked by both parties. A perusal of the appendix of evidence indicates as if both the parties have not marked any documents. For one reason or the other, the trial Court did not refer the documents marked on either side, in the impugned order.

4. Both counsel submitted that there is an interim order in favour of the respondents/plaintiffs for the last two years. In all fairness, they further submitted that it is a fit case to remand the matter to the trial Court for fresh disposal.

5. In view of the submissions made by both counsel, this Court is not inclined to go into the merits of the main case. This Court is of a considered view that it is a fit case to remand the matter to the trial Court for fresh disposal.

5. In the result, the Civil Miscellaneous Appeal is allowed setting aside the order dated 07.08.2018 passed in I.A.No.798 of 2016 in O.S.No.1146 of 2016 on the file of the VII Senior Civil Judge, City Civil Court, Hyderabad. The learned VII Senior Civil

Judge, City Civil Court, Hyderabad, is hereby directed to dispose of I.A.No.798 of 2016 after considering the documents marked on both sides, in accordance with law, as expeditiously as possible, preferably, on or before 30.11.2018. The interim order granted in I.A.No.798 of 2016 will be in force up to 30.11.2018. As a sequel, miscellaneous petitions, if any, pending in this appeal shall stand closed.

T.SUNIL CHOWDARY, J

Dt:04.10.2018

Rns

