

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**CIVIL REVISION PETITION No.5513 of 2017**

**ORDER:**

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the order, dated 01.09.2017, in I.A.No.1256 of 2017 in O.S.No.108 of 2015 passed by the Senior Civil Judge, Ramachandrapuram, whereunder and whereby, the application filed under Order VI Rule 17 CPC read with Rule 28 of the Civil Rules of Practice, to amend the plaint was allowed subject to payment of costs of Rs.300/-.

2. Heard.

3. The petitioners/plaintiffs filed the aforesaid suit for declaration. The respondents filed the aforesaid Interlocutory Application stating that they are entitled to continue in possession of the property as tenants etc for various grounds. The petitioner filed counter in the trial Court disputing the same by raising several contention in six paras, but the trial Court passed the impugned order in four lines even without adverting to the contentions raised by the petitioner and the respondents including the affidavit and counter. In the absence of any reason, the cryptic order cannot be sustained under law. Therefore, the order is liable to be set aside.

4. Accordingly, the Civil Revision Petition is allowed setting aside the order, dated 01.19.2017, in I.A.No.1256 of 2017 in O.S.No.108 of 2015 passed by the Senior Civil Judge, Ramachandrapuram, and remanding the matter to the trial Court

with a direction to dispose of the application afresh, within a period of 15 days from the date of receipt of a copy of this order, in accordance with law, after giving reasonable opportunity to both parties and after considering the material available on record.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

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**M. SATYANARAYANA MURTHY,J**

**NOVEMBER 01, 2018**

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**Date:01.11.2018**

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