

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.7074 Of 2017

ORDER:

1 This Civil Revision Petition, under Article 227 of the Constitution of India is filed challenging the order dated 31.10.2017 passed in I.A.No.2047 of 2017 in I.A.No.1650 of 2017 in A.S.No.62 of 2017 on the file of the Court of the Principal District Judge, Kadapa.

2 Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the record.

3 A perusal of the record reveals that the appellants herein filed A.S.No.62 of 2017 on the file of the Court of the Principal District Judge, Kadapa, challenging the decree and judgment passed in O.S.No.24 of 2005 on the file of the Court of the Additional Senior Civil Judge, Kadapa. During the pendency of the appeal, the petitioners / appellants filed I.A.No.1650 of 2017 seeking interim stay of all further proceedings in E.P.No.91 of 2017 in O.S.No.24 of 2005 on the file of the Court of the Additional Senior Civil Judge, Kadapa. On 24.08.2017, the appellate court granted interim stay of all further proceedings without notice to the respondents herein. Thereafter, the respondents filed I.A.No.2047 of 2017 in I.A.No.1650 of 2017 in A.S.No.62 of 2017 seeking to vacate the interim order dated 24.08.2017. The appellate Court allowed that petition on 31.10.2017 vacating the interim order dated 24.08.2017 passed in I.A.No.1650 of 2017.

4 Both counsel submitted that the appellate Court has not passed speaking order both in I.A.No.1650 of 2017 and I.A.No.2047 of 2017.

5 It is needless to say that while disposing of the interlocutory applications also, the court has to pass speaking order. As rightly pointed out by both the counsel, the appellate Court has not passed speaking order while granting interim stay or vacating the interim order.

6 Taking into consideration the facts and circumstances of the case, the orders dated 24.08.2017 passed in I.A.No.1650 of 2017 and the order dated 31.10.2017 passed in I.A.No.2047 of 2017 in A.S.No.62 of 2017 are hereby set aside. The appellate court is hereby directed to dispose of I.A.No.1650 of 2017 by way of speaking order, after affording reasonable opportunity both parties, in accordance with law.

7 The Civil Revision Petition is accordingly disposed of. No order as to costs. As a sequel, miscellaneous petition, if any, pending in this Civil Revision Petition shall stand closed.

Date: 05.01.2018
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T. SUNIL CHOWDARY, J.