

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL MISCELLANEOUS APPEAL No.1311 of 2017

JUDGMENT :

Heard both sides. Perused the grounds of appeal vis-à-vis the impugned order of the lower Court and the additional material.

2. Learned counsel for the respondents/defendants chosen to file without even application to receive as additional evidence under Order XLI Rule 27 C.P.C.

3. Having regard to the above, while protecting the order so far as the part of the relief granted in I.A.No.422 of 2017 in favour of the plaintiff by the lower Court, dated 31.10.2017, as an interim order, the appeal is allowed to the extent of restoring I.A.No.422 of 2017 to the lower Court to receive any document placed reliance by both sides further and hear afresh and decide the lis on own merits, preferably within two months from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

Dr. B. SIVA SANKARA RAO, J

4th January 2018.

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