

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.223 of 2019

ORDER :

Heard the learned counsel for petitioner and learned counsel for respondent.

2. This Revision is filed assailing the docket order dt.24-01-2019 passed by the IX Additional Chief Judge, City Civil Court, Hyderabad striking off the defence of the petitioner in the counter-claim made by respondent against petitioner in O.S.No.370 of 2016.

3. Copy of the said order downloaded from the website shows that there are no reasons given by the Court below while passing it on 24-01-2019 except a memo filed by respondent.

4. When striking of the defence of petitioner to the counter-claim causes grave prejudice to the petitioner, without assigning any reason, the Court below could not have passed the said order.

5. Accordingly, the Civil Revision Petition is allowed; the docket order dt.24-01-2019 passed by the Court below striking off the defence of petitioner to the counter-claim made by respondent is set aside; the Court below is directed to give opportunity to the petitioner to explain how he has complied with the orders passed under Order XV-A C.P.C. in C.R.P.No.4506 of 2016; also give an opportunity to the respondent to refute the same by way of an affidavit, if required,

verify the account of the Court wherein the petitioner claims to have deposited amounts pursuant to the order passed in the above C.R.P., and then pass a reason order. This exercise shall be completed within four (04) weeks from the date of receipt of copy of the order.

6. The amounts, if any already deposited by petitioner to the credit of the suit, are permitted to be withdrawn by respondent since it is not in dispute that respondent is the owner of the property and petitioner is tenant. To facilitate deposit of amounts, the counsel for respondent shall furnish the Savings Bank account of respondent to the counsel for petitioner within one week from the date of receipt of copy of this order. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03-07-2019

Note :- Issue C.C. by 08-07-2019.

B/o.
Vsv