

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1949 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, challenging the docket order, dated 02.07.2019, passed in I.A.No.373 of 2018 in O.S.No.377 of 2018, by the Special Assistant Agent and Sub Divisional Magistrate, Bhadrachalam, whereby, the petition filed by the petitioner/plaintiff under Rule 42(C) of the A.P. Agency Rules, 1924, requesting to grant *ex parte* ad-interim injunction restraining the respondents/defendants and the men claiming through them from interfering with the peaceful possession and enjoyment of the suit schedule property, till disposal of the suit, was dismissed.

2. Heard the learned counsel for petitioner/plaintiff, the learned counsel for the respondents/defendants and perused the record.

3. The learned counsel for the petitioner/plaintiff would contend that no speaking order is passed in the subject interlocutory application. The impugned docket order, dated 02.07.2019, substantiates the same and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. The learned counsel for the respondents/defendants would contend that the learned Sub-Divisional Magistrate rightly dismissed the subject interlocutory application. There is nothing to interfere with the same and ultimately prayed to dismiss the Civil Revision Petition.

5. A perusal of the impugned docket order dated 02.07.2019 reveals that it is a cryptic order, which was not passed on merits assigning reasons. Therefore, the impugned docket order is liable to be set aside.

6. Under these circumstances, the impugned docket order, dated 02.07.2019, passed in I.A.No.373 of 2018 in O.S.No.377 of 2018, by the Special Assistant Agent and Sub Divisional Magistrate, Bhadrachalam, is set aside. The learned Special Assistant Agent & Sub Divisional Magistrate, Bhadrachalam, is directed to dispose of the subject Interlocutory Application No.373 of 2018, afresh, on merits and in accordance with law, after providing opportunity to both sides, within thirty (30) days from the date of receipt of a copy of this order.

7. The Civil Revision Petition is, accordingly, allowed. There shall be no order as to costs.

Pending miscellaneous Petitions, if any, shall stand closed.

29th November, 2019
Vvr

Dr. SHAMEEM AKTHER, J