

THE HONOURABLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.NO.1352 OF 2018

JUDGMENT: {Per the Hon'ble Sri Justice Raghvendra Singh Chauhan}

The appellant-respondent No.17 has challenged the legality of the order, dated 17.12.2018, passed by the Commercial Court Judge-cum-XXIV Additional Chief Judge, City Civil Court, Hyderabad, whereby the learned judge has allowed an application filed under Order XXII Rule 10 C.P.C. and has permitted Tech Mahindra Limited to continue the suit in place of M/s. Satyam Computer Services Limited, the original plaintiff.

The learned counsel for the appellant-respondent No.17 has pleaded that the impugned order is not even a speaking order. For, despite the fact that the respondent No.17 had raised a number of contentions against the application filed by the Tech Mahindra Limited to permit it to continue the suit in place of M/s. Satyam Computer Services Limited, none of the contentions have even been mentioned in the impugned order. Moreover, there is not a single indication as to the reasons why the contentions of the respondent No.17 have been brushed aside by the learned trial Court. Therefore, according to the learned counsel, the impugned order not only suffers from the *virus* of being a non-speaking order, but also suffers from non-application of mind. Hence, the impugned order deserves to be set aside by this court.

On the other hand, the learned counsel for the respondent No.1 has vehemently pleaded that the impugned order is based

on order, dated 11.06.2013, passed by the Company Court whereby the Company Court had permitted the amalgamation of M/s. Satyam Computer Services Limited with Tech Mahindra Limited. Since the interest had devolved down to Tech Mahindra Limited, Tech Mahindra Limited was justified in filing an application under Order XXII Rule 10 C.P.C. Hence, the learned trial court was legally justified in allowing the said application. Therefore, the learned counsel has supported the impugned order.

Heard the learned counsel for the parties and perused the impugned order.

It is, indeed, trite to state that the duty to pass a reasoned order flows from the principles of natural justice. Under the said principles a party has a legal right to know the reasons why a particular order has been passed in the manner it has been so passed. The importance of passing a reasoned order need not be overstated. Suffice it to say, that a reasoned order not just satisfies the litigants, learned members of the Bar, but most importantly, reveals the mind of the court for the benefit of the appellate court.

However, a bare perusal of the impugned order clearly reveals that the learned trial court has not even bothered to record the contentions raised by the appellant-respondent No.17. Moreover, it has not given a single reason for dismissing the contentions raised by the appellant-respondent No.17. Thus, the order suffers from the *virus* of being a non-speaking order. Therefore, this court has no other option, but to set aside the order, dated 17.12.2018. And to direct the learned

trial court to consider the application filed by the Tech Mahindra Limited, and to pass a reasoned order dealing with the contentions raised by the appellant, and giving reasons for its decision. The said exercise shall be carried out on or before 15th March, 2019.

By way of abundant caution, it is hereby clarified that even if this court has set aside the order, it should not influence the mind of the learned trial court. The learned trial court, needlesstosay, is expected to pass its order strictly in accordance with law.

With the above observations noted, the appeal is disposed of.

There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, J)

(T.AMARNATH GOUD, J)

18th February, 2019
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