

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1491 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioner/defendant No.1 aggrieved by the order, dated 18.04.2019, passed in I.A.No.85 of 2017 in A.S.No.34 of 2016 by the VIII Additional District Judge, Medak, wherein the subject Interlocutory Application filed by respondent No.1/plaintiff seeking to receive the documents mentioned in the subject Interlocutory Application, was disposed of remanding the case.

2. Heard the learned counsel for both sides and perused the record.

3. The operative portion of the impugned order, dated 18.04.2019, reads as follows:

“In the result, this petition is disposed-off. The Appellate Court remand the case and refer them for trial under Order-41, Rule-27 and shall fix the date for appearance of the parties before the Court from whose presence receiving the Interlocutory Application No.85 of 2017 in A.S.No.34 of 2016 and after adducing evidence of both parties further proceed in the suit and dispose of according to Law.”

4. The appellate Court is not clear with regard to the result of A.S.No.34 of 2016. Further, the impugned order is not in tune with the provisions under Order XLI Rule 27 C.P.C. Under these circumstances, the impugned order, dated 18.04.2019, is liable to be set aside.

5. Accordingly, the Civil Revision Petition is allowed and the impugned order, dated 18.04.2019, passed in I.A.No.85 of 2017 in A.S.No.34 of 2016 by the VIII Additional District Judge, Medak, is set aside. I.A.No.85 of 2017 is restored to its file for disposal in accordance with law.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

February 04, 2020.
MD

Dr. SHAMEEM AKTHER, J

