

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.14378 of 2021

ORDER:

1 Petitioner claims to have purchased Ac.2-07 guntas from the father of respondent Nos.7 to 9, Ac.2-07 guntas from respondent NO.5 and Ac.2-07 guntas from the father of respondent No.6 and he was put in possession of the same. Subsequently when the respondent Nos. 5 to 9 started interfering with his peaceful possession and enjoyment over the said property, he filed an agency suit before the third respondent. Along with the said suit, he also filed an I.A. seeking interim injunction. But the third without passing any orders on the I.A, straight away dismissed the suit. Aggrieved thereby, he filed an appeal before the second respondent. But the same was also dismissed. Hence the present Writ Petition.

2 The learned counsel for the petitioner submits that the third respondent without even conducting any proceedings, i.e. without framing issues, recording evidence and hearing the arguments of the petitioner dismissed the suit. The appellate authority also dismissed the appeal without conducting any enquiry.

3 Having regard to the facts and circumstances of the case and since the contention of the petitioner that the primary authority as well as the appellate authority have decided the suit of the petitioner without framing issues, recording evidence and hearing the arguments of the petitioner, without expressing any opinion on merits, this Writ Petition is allowed setting aside the impugned order. The matter is remanded to the second respondent to decide the suit in accordance with law and after giving reasonable opportunity to both sides. No costs. Pending miscellaneous petitions, if any, shall also stand dismissed.

T. AMARNATH GOUD, J.

Date: 28.6.2021.

Kvsn