



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1733 of 2023

Amravati District Central Co-operative Bank Ltd. through its Chief Executive Officer and anr. **..vs..**
Pradeep s/o Radheshyam Chandak]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. B. Kasat, Advocate for the petitioners
Mr. Sawan Alaspurkar, Advocate for the respondent

CORAM : ANIL L. PANSARE J.

DATED : 10-12-2024

Heard both sides.

2. The enquiry as to mesne profit was in progress before the Joint Civil Judge Senior Division, Amravati. Parties have examined the witnesses. Both the parties then decided to close the evidence. Thereafter vide application, Exhibit 102, the respondent – original plaintiff filed an application to recall the witness examined by the petitioner – original defendant for the purpose of cross-examination. The trial Court has allowed the application without assigning any reason of whatsoever nature.

3. The Hon'ble Apex Court in the case of ***Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota V/s Shukla and Brothers, [(2010) 4 Supreme Court Cases 785]***, importance of reasoned order/judgment has been explained in following terms :

“27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of

vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. there are apt observations in this regard to say “failure to give reasons amounts to denial of justice”. Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove.”

Thus, the Hon’ble Apex Court has, in so many words, explained the importance of reasoned judgment. The Apex Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule of law and is a mandatory requirement of procedural law.

4. In the present case, the trial Court having not assigned any reason, the order impugned is unsustainable. Writ petition is accordingly partly allowed. Order dated 15-2-2023 passed by Joint Civil Judge Senior Division, Amravati below Exhibit 102 in M.P.M.J.C. No. 3/2009 is quashed and set aside.

5. The trial Court shall decide the application, Exhibit 102 afresh in accordance with law.

6. The parties shall appear before the trial Court on 7-1-2025.

(Anil L. Pansare, J.)