

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

Civil Revision Petition No.1384 of 2013

Date:28th March, 2013

Between:

V.Ramesh S/o.late Bala Swamy

....Petitioner

A n d

Smt.P.Nagamanemma W/o.P.Viswahatham & Ors.

...Respondents

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

Civil Revision Petition No.1384 of 2013

ORDER:

This Civil Revision Petition is directed against the order, dated 15.03.2013, passed in I.A.No.294 of 2013 in O.S.No.2398 of 2006 on the file of VIII Additional Senior Civil Judge, Ranga Reddy District, whereby and whereunder the learned Additional Senior Civil Judge allowed the application filed by the 2nd defendant under Section 151 CPC.

2. The petitioner is the plaintiff. The respondents 1 to 3 are the defendants in O.S.No.2398 of 2006 on the file of VIII Additional Senior Civil Judge, Ranga Reddy District. When O.S.No.2398 of 2006 stood posted for further arguments on behalf of the defendants, the 2nd defendant filed I.A.No.294 of 2013 under Section 151 CPC to reopen the evidence on his behalf and to mark the documents. The plaintiff resisted the said application by filing counter. The Additional Senior Civil Judge, by order, dated 15.03.2013, allowed the petition on payment of Rs.750/-. The said order is assailed in this Civil Revision Petition.

3. Heard learned counsel appearing for the petitioner/plaintiff and learned counsel appearing for the 1st respondent/2nd defendant.

4. It is contended by the learned counsel appearing for the petitioner/plaintiff that the trial Court has not assigned any reason for allowing the application filed by the 2nd defendant when the case stood posted for further arguments. It is also contended by the learned counsel that similar applications being I.A.Nos.1991 and 1992 of 2012 were filed by the 1st defendant and the said applications came to be

dismissed on 21.01.2013 and thereupon, the 1st defendant carried the matter in revisions being CRP Nos.611 and 612 of 2013 to this Court and the said revisions ended in dismissal on 28.02.2013. In a way, it is the contention of the learned counsel appearing for the petitioner/plaintiff that the order impugned in the revision is a non-reasoned order and therefore, it is liable to be set aside.

5. Learned counsel appearing for the 1st respondent/2nd defendant submits that the trial Court has exercised its discretion taking into consideration the material brought on record and therefore, the order impugned in the revision is not liable to be set aside. A further submission has been made that the 1st respondent/2nd defendant intends to mark the documents, which are already on record by summoning the doctor, who examined him.

6. I have gone through the order impugned in the revision. The learned Additional Senior Civil Judge has not assigned any reason for allowing the application at the stage when the case stood posted for further arguments on behalf of the defendants. The learned Additional Senior Civil Judge also failed to take into account the orders passed by him in I.A.Nos.1991 and 1992 of 2012 on 21.01.2013. Be that as it may, the order impugned in the revision petition is a non-reasoned order and therefore, it is liable to be set aside.

7. Accordingly, the Civil Revision Petition is disposed of setting aside the order, dated 15.03.2013, passed in I.A.No.294 of 2013 in O.S.No.2398 of 2006 on the file of VIII Additional Senior Civil Judge, Ranga Reddy District and remanding the matter back to the trial Court to consider the I.A.No.294 of 2013 in O.S.No.2398 of 2006 afresh and pass appropriate orders thereon. No costs.

B.SESHASAYANA REDDY, J

Date:28th March, 2013.

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