

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

FRIDAY, THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 2457 OF 2025

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the CRP by setting aside the Order and Decree passed in C.M.A.No.116 of 2023, Dt. 24/04/2025 on the file of the Court of the X Additional Chief Judge, City Civil Court at Hyderabad by confirming the Order and Decree passed in I.A.NO. 357 of 2020 in O.S.No.1513 of 2020, Dt- 01/08/2023 on the file of the Court of the XX Junior Civil Judge, City Civil Court at Hyderabad in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Between:

1. Rupali Sharma, W/o. Vishal Sharma, Aged about 37 years, Occ- Household, R/o. 4-4-1/C/13, Sultanbazar, Hyderabad.
2. Maya Sharma, W/o. Late Ramesh Chand Sharma, Aged about 65 years, Occ- Housewife, R/o. 4-4-1/C/13, Sultanbazar, Hyderabad.

...PETITIONER(S)

AND

Bharathi Reddy, W/o. Not known to the Petitioner, Aged about 42 years, Occ- Business, R/o. C/o. Balaji Jewellers, H.No.4-4-1, Shop No.97, Dilshad Plaza Complex, Sultanbazar, Hyderabad.

...RESPONDENTS



2025:TSHC:42949

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant Interim Injunction restraining the Respondent herein not to make/made any construction activities in the Suit Schedule Property, All that Shop No.112 in lower ground floor of complex shown as Dilshad Plaza admeasuring a total built up area 185 sq. fts with undivided share of land 3.00 sq. yds in premises bearing no. M.No.4-4-1 situated at Sultan Bazar, Hyderabad, Telangana and bounded by North- Stairs, South- Shop No.36 LG, East- Stairs, West- Common passage pending disposal of the CRP in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner(s):SRI. BANKATLAL MANDHANI

Counsel for the Respondents: NONE APPEARED

The Court made the following: ORDER



2025:TSHC:42949

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION No.2457 of 2025

ORDER:

Heard Mr. Bankatlal Mandani, learned counsel for the petitioners.

2. The instant Civil Revision Petition under Article 227 of the Constitution of India has been filed by the petitioners assailing the order passed by the learned X Additional Chief Judge City Civil Courts, Hyderabad (hereinafter referred to as the 'First Appellate Court') in C.M.A. No.116 of 2023, decided on 24.04.2025.

3. *Vide* the impugned order; the First Appellate Court dismissed the aforesaid C.M.A. directed against the order and decree passed by the learned XX Junior Civil Judge, City Civil Court, Hyderabad (hereinafter referred to as the 'Trial Court') in I.A.No.357 of 2020 in O.S.No.1513 of 2020, decided on 01.08.2023. I.A.No.357 of 2020 was a petition filed by the petitioners under XXXIX Rules 1 and 2 read with Section 151 of the Civil Procedure Code, 1908 (for short 'CPC') seeking grant of temporary injunction against the respondent and her privies to remove the iron grills forthwith as

shown in the plan annexed with the plaint in the petition schedule property pending disposal of the suit.

4. The Trial Court *vide* its order dated 01.08.2023 dismissed the I.A.No.357 of 2020, which was subjected to challenge before the First Appellate Court. Incidentally, the First Appellate Court also *vide* the impugned order dismissed the C.M.A. leading to filing of the present Civil Revision Petition.

5. The main ground of challenge by the learned counsel for the petitioners is that the plain reading of the order of the Trial Court and comparing the same with the impugned order of the First Appellate Court would clearly indicate that the First Appellate Court in the course of deciding the C.M.A. had not made any application of mind, but has simply for the sake of disposal of the C.M.A. verbatim copied the findings of the Trial Court paragraph by paragraph. This according to the learned counsel for the petitioners was totally unacceptable proposition where the First Appellate Court instead of deciding the C.M.A. on the basis of grounds raised in the appeal, rather goes in deciding the appeal only by applying cut, copy, and paste principle by bringing forward the entire



findings of the Trial Court in verbatim in the course of deciding the C.M.A.

6. Having heard the contentions put forth by the learned counsel for the petitioners and on perusal of records, this Court found that the Trial Court in the course of deciding the C.M.A. at paragraph Nos.10, 11, 12, 13 and 14 of the order has given its findings. Now when we compare the two orders, what is reflected is that, paragraph No.10 of the Trial Court's order is what is reflected in paragraph No.18 of the First Appellate Court's order. It is from paragraph No.18 onwards that the so-called findings of the First Appellate Court have begun. Likewise, the contents of paragraph No.19 are exactly the same as those of paragraph No.11 of the Trial Court's order. Similarly, paragraph No.20 of the impugned order is paragraph No.12 of the Trial Court's order. So also, paragraph No.21 of the impugned order is paragraph No.14 of the Trial Court's order, and paragraph No.22 of the impugned order is paragraph No.15 of the Trial Court's order. Lastly, paragraph No.23 of the impugned order is the paragraph No.13 of the Trial Court's order.



7. After reproducing the aforesaid paragraphs from the Trial Court's order, the First Appellate Court had straightaway dismissed the C.M.A.

8. The First Appellate Court in the course of exercising its jurisdiction under Order XLIII Rule 1 of CPC ought to have expressed more facts and should have dealt with the grounds raised in the appeal, rather than getting swayed with the findings of the Trial Court. The First Appellate Court has also committed an error by reproducing verbatim the same findings of fact, as were the findings of the Trial Court.

9. Undoubtedly, upon reading of the aforesaid paragraphs of the First Appellate Court with the findings of the Trial Court, leaves no hesitation of the fact that in fact there has been a cut, copy, and paste procedure adopted by the First Appellate Court in the course of deciding the appeal and there does not seem to be any personal contribution of its own made by the First Appellate Court in the course of deciding the appeal.

10. There is no doubt that an appeal involves fact finding, but it does not mean that the First Appellate Court can simply decide the



appeal by bringing forward the findings given by the Trial Court in the course of deciding an appeal. Another aspect which needs to be considered is that no law in whatsoever factual backdrop would permit the appeal to be decided, particularly if it is the Trial Court and the First Appellate Court located in the District Court premises itself by not appreciating the grounds raised on either side. Giving reasons to reach to a conclusion is one of the basic ingredients that are required by any judicial forum; be it at the first instance or at the appellate stage, or even if it is the revisional forum. It is always expected that the First Appellate forum as also the revisional forum would deal with the grounds raised by the appellant, consider the same and decided the appeal on its own merits on the basis of the facts narrated in the pleadings and the evidence available on record.

11. The Supreme Court also has depreciated such practice of using cut, copy and paste procedure in the course of deciding the matter. In the case of **Union Public Service Commission vs.**



Bibhu Prasad Sarangi and Others¹, in paragraph No.5, it was held by the Supreme Court as under:

"5. Cutting, copying and pasting from the judgment of the Tribunal, which is placed in issue before the High Court, may add to the volume of the judgment. The size of judicial output does not necessarily correlate to a reasoned analysis of the core issues in a case. Technology enables Judges to bring speed, efficiency and accuracy to judicial work. But a prolific use of the "cut-copy-paste" function should not become a substitute for substantive reasoning which, in the ultimate analysis, is the defining feature of the judicial process. Judges are indeed hard pressed for time, faced with burgeoning vacancies and large case-loads. Crisp reasoning is perhaps the answer. Doing what the High Court has done in the present case presents a veneer of judicial reasoning, bereft of the substance which constitutes the heart of the judicial process. Reasons constitute the soul of a judicial decision. Without them one is left with a shell. The shell provides neither solace nor satisfaction to the litigant. We are constrained to make these observations since what we have encountered in this case is no longer an isolated aberration. This has become a recurring phenomenon. The National Judicial Academy will do well to take this up. How Judges communicate in their judgments is a defining characteristic of the judicial process. While it is important to keep an eye on the statistics on disposal, there is a higher value involved. The quality of justice brings legitimacy to the judiciary."

¹ (2021) 4 Supreme Court Cases 516



12. Similar decision was also taken by the Supreme Court in the case of **Secretary and Curator, Victoria Memorial Hall vs. Howrah Ganatantrik Nagrik Samity and Others²**, wherein in paragraph Nos.40, 41, and 42 it has been held as under:

"40. It is a settled legal proposition that not only an administrative but also a judicial order must be supported by reasons, recorded in it. Thus, while deciding an issue, the court is bound to give reasons for its conclusion. It is the duty and obligation on the part of the court to record reasons while disposing of the case. The hallmark of an order and exercise of judicial power by a judicial forum is to disclose its reasons by itself and giving of reasons has always been insisted upon as one of the fundamentals of sound administration of justice-delivery system, to make known that there had been proper and due application of mind to the issue before the court and also as an essential requisite of the principles of natural justice. "The giving of reasons for a decision is an essential attribute of judicial and judicious disposal of a matter before courts, and which is the only indication to know about the manner and quality of exercise undertaken, as also the fact that the court concerned had really applied its mind." (Vide State of Orissa v. Dhaniram Luhar [(2004) 5 SCC 568 : (2008) 2 SCC (Cri) 49 : AIR 2004 SC 1794] and State of Rajasthan v. Sohan Lal [(2004) 5 SCC 573 : (2008) 2 SCC (Cri) 53])

***41.** Reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same, it becomes lifeless.*

² (2010) 3 Supreme Court Cases 732



Reasons substitute subjectivity by objectivity. Absence of reasons renders the order indefensible/unsustainable particularly when the order is subject to further challenge before a higher forum. (Vide Raj Kishore Jha v. State of Bihar [(2003) 11 SCC 519 : 2004 SCC (Cri) 212 : AIR 2003 SC 4664] , SCC p. 527, para 19; Vishnu Dev Sharma v. State of U.P. [(2008) 3 SCC 172 : (2008) 1 SCC (L&S) 596] , SAIL v. STO [(2008) 9 SCC 407] , State of Uttaranchal v. Sunil Kumar Singh Negi [(2008) 11 SCC 205 : (2008) 2 SCC (L&S) 1093 : AIR 2008 SC 2026] , U.P. SRTC v. Jagdish Prasad Gupta [(2009) 12 SCC 609 : (2010) 1 SCC (L&S) 156 : AIR 2009 SC 2328] , Ram Phal v. State of Haryana [(2009) 3 SCC 258 : (2009) 1 SCC (L&S) 645 : (2009) 2 SCC (Cri) 72] , Mohd. Yusuf v. Faij Mohammad [(2009) 3 SCC 513] and State of H.P. v. Sada Ram [(2009) 4 SCC 422].)

42. Thus, it is evident that the recording of reasons is a principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and fairness in decision making. The person who is adversely affected may know, as to why his application has been rejected."

13. In the instant case also, the findings given by the First Appellate Court in the course of dismissing the C.M.A. and the grounds narrated by the Trial Court while dismissing the I.A.No.357 of 2020 are same. Only on this ground, the impugned order passed by the First Appellate Court is not sustainable and the impugned



order therefore deserves to be and is accordingly set aside. However, since the impugned order is being set aside only on the ground of the order not being sustainable because of the non-application of mind, this Court is of the considered opinion that it is a fit case to remand the matter back to the First Appellate Court to decide the C.M.A. again afresh in a more pragmatic manner by giving reasons in the course of deciding the C.M.A.

14. With the aforesaid observations and directions, the present Civil Revision Petition stands allowed.

15. As a sequel, miscellaneous petitions pending if any, shall stand closed. However, there shall be no order as to costs.

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SD/- A.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The X Additional Chief Judge, City Civil Court at Hyderabad, Hyderabad District.
2. The XX Junior Civil Judge, City Civil Court, Hyderabad, Hyderabad District
3. One CC to SRI. BANKATLAL MANDHANI Advocate [OPUC]
4. Two CD Copies

PK/PSL



2025.TSHC:42949

HIGH COURT

DATED:07/11/2025

CRP.No.2457 of 2025

ALLOWED



(6)

kps
27/11/25