

HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA

CIVIL REVISION PETITION No.6629 of 2018

ORDER:

Heard learned counsel for the petitioners. There is no representation for the respondent.

2. Challenge in this Civil Revision Petition is the order rendered by the Court of II Additional Senior Civil Judge, Warangal, in I.A.No.880 of 2018 in O.S.No.195 of 2011, dated 08.10.2018.

3. A thorough perusal of the record reveals that the plaintiff to the suit i.e. respondent herein filed an interlocutory application vide I.A.No.880 of 2018 under Order 18 Rule 17 read with Section 151 of C.P.C. seeking the Court to recall PWs.3 and 4 to get clarification regarding the typographical mistakes that were allegedly occurred in the depositions given by them. The respondents i.e. the revision petitioners herein resisted the said application on the ground that Order 18 Rule 17 C.P.C. does not empower recall of witnesses for correction of typographical mistakes and that the petitioner/plaintiff is

trying to fill up the latches and lacunae in the evidence of those witnesses. While disposing of the said application, the learned Judge passed a single line order dated 08.10.2018, which is as under:

“Heard both sides. In the circumstances the petition is allowed.”

4. As rightly projected by learned counsel for the revision petitioners, what are those circumstances which drove the learned Judge to allow the application are neither revealed nor narrated. Not only courts of law, but each and every quasi-judicial authority is under obligation to pass reasoned and meaningful orders. The orders rendered may be amenable to revision or appeal before higher authorities and Courts. Further, the parties to those orders and the third parties, if any, interested or affected by those orders should also know the details of the facts, the law applied and the mind of the Court which culminated for coming to a certain conclusion. In case, the orders pronounced by the judicial or quasi-judicial authorities are devoid of those details, they can unhesitatingly be termed as ‘cryptic orders’.

5. Time and again, the Hon'ble Apex Court as well as this Court in series of decisions stressed upon the need for passing of reasoned orders by the Courts of law.

6. In the case between **S.N.Mukherjee vs Union Of India**¹, the Hon'ble Apex Court reiterating that even a quasi-judicial authority is required to disclose the reasons for the conclusions drawn, held as under:

"In Travancore Rayon Ltd. V. Union of India, [1970] 3 SCR 4(1), this Court has observed:

"The Court insists upon disclosure of reasons in support of the order on two grounds; one, that the party aggrieved in a proceedings before the High Court or this Court has the opportunity to demonstrate that the reasons which persuaded the authority to reject his case were erroneous; the other, that the obligation to record reasons operates as a deterrent against possible arbitrary action by the executive authority invested with the judicial power." (P.46) In Mahabir Prasad Santosh Kumar V. State of U.P. and others (supra), the District Magistrate had cancelled the licence granted under the U.P Sugar Dealers Licensing Order, 1962 without giving any reason and the State Government had dismissed the appeal

¹ 1990 SCR Supl. (1) 44

against the said order of the District Magistrate without recording the reasons. This Court has held:

"The practice of the executive authority dismissing statutory appeal against orders which prima facie seriously prejudice the rights of the aggrieved party without giving reasons is a negation of the rule of law." (P. 204) "Recording of reasons in support of a decision on a disputed claim by a quasi-judicial authority ensures that the decision is reached according to law and is not the result of caprice, whim or fancy or reached on grounds of policy or expediency. A party to the dispute is ordinarily entitled to know the grounds on which the authority has rejected his claim. If the order is subject to appeal, the necessity to record reasons is greater, for without recorded reasons the appellate authority has no material on which it may determine whether the facts were properly ascertained, the relevant law was correctly applied and the decision was just." (P. 205) In Woolcombers of India Ltd. case (supra) this Court was dealing with an award of an Industrial Tribunal. It was found that the award stated only the conclusions and it did not give the supporting reasons. This Court has observed: "The giving of reasons in support of their conclusions by judicial and quasi-judicial authorities when exercising initial jurisdiction is essential for various reasons.

First, it is calculated to prevent unconscious unfairness or arbitrariness in reaching the conclusions. The very search for reasons will put the authority on the alert and minimize the chances of unconscious infiltration of personal bias or unfairness in the conclusion. The authority will adduce reasons which will be regarded as fair and legitimate by a reasonable man and will discard irrelevant or extraneous considerations. Second, it is a well-known principle that justice should not only be done but should also appear to be done. Unreasoned conclusions may be just but they may not appear to be just to those who read them. Reasoned conclusions, on the other hand, will have also the appearance of justice. Third, it should be remembered that an appeal generally lies from the decision of judicial and quasi-judicial authorities to this Court by special leave granted under Article 136. A judgment which does not disclose the reasons, will be of little assistance to the Court."

7. In the case between **Raj Kishore Jha vs State Of Bihar And Ors²**, the Hon'ble Apex Court observed as under:-

"Reason is the heartbeat of every conclusion.
Without the same, it becomes lifeless."

² 2003 (11) SCC 519

8. Reiterating the same, the Hon'ble Apex Court in **State of Rajasthan Vs Rajendra Prasad Jain**³ observed as follows:-

“Reasons introduce clarity in an order. On plainest consideration of justice, the High Court ought to have set forth its reasons, howsoever brief in its order, indicative of an application of its mind; all the more when its order is amenable to further avenue of challenge. The absence of reasons has rendered the High Court order not sustainable. Similar view was expressed in [State of U.P. v. Bhattan and Ors](#) (2001 (10) SCC 607). About two decades back in [State of Maharashtra v. Vithal Rao Pritirao Chawan](#) (AIR 1982 SC 1215) the desirability of a speaking order while dealing with an application for grant of leave was highlighted. The requirement of indicating reasons in such cases has been judicially recognized as imperative. The view was re-iterated in [Jawahar Lal Singh v. Naresh Singh and Ors.](#) (1987 (2) SCC 222). Judicial discipline to abide by declaration of law by this Court, cannot be forsaken, under any pretext by any authority or Court, be it even the highest Court in a State, oblivious to Article 141 of the Constitution of India, 1950 (in short the 'Constitution').

³ AIR 2008 SC 1589

8. Reason is the heartbeat of every conclusion, and without the same it becomes lifeless. ([See Raj Kishore Jha v. State of Bihar and Ors.](#) (2003 (7) Supreme 152).

9. Even in respect of administrative orders, Lord Denning M.R. in *Breen v. Amalgamated Engineering Union* (1971 (1) All E.R. 1148) observed "The giving of reasons is one of the fundamentals of good administration". In *Alexander Machinery (Dudley) Ltd. v. Crabtree* (1974 ICR 120)(NIRC) it was observed: "Failure to give reasons amounts to denial of justice". Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at". Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system; reasons at least sufficient to indicate an application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out

reasons for the order made; in other words, a speaking out. The "inscrutable face of a sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance."

9. Exercising little care and narrating in brief the facts, reasons and applicability of law avoids further litigation and sometimes would drive the parties to come to an amicable settlement. Thus, issuance of reasoned order would benefit the litigant public at large. Hence, the Courts which administer justice are required to narrate the following particulars in their orders though not in detail, but in brief:-

- (1) The pleadings of the parties.
- (2) Points in controversy.
- (3) Evidence, if any, produced.
- (4) Submissions made by respective counsel on record.
- (5) Law applicable to the *lis* taken up for adjudication.
- (6) Reasons for the conclusions drawn.
- (7) Ultimate finding of the Court.

10. In case, the afore-mentioned details are given, the link between the judicious mind of the decision taker and

the controversy in question would be established. A decision bereft of such details cannot be termed to be a reasoned order.

11. The impugned order does not contain any of the above enumerated details and therefore, the same is unsustainable in the eye of law.

12. Resultantly, this Civil Revision Petition is allowed. The order passed by the Court of II Additional Senior Civil Judge, Warangal, in I.A.No.880 of 2018 in O.S.No.195 of 2011, dated 08.10.2018 is set aside. The Court of II Additional Senior Civil Judge, Warangal, is directed to deal with the said interlocutory application i.e. I.A.No.880 of 2018 afresh and pass appropriate orders by assigning valid reasons. No order as to costs.

13. As a sequel, miscellaneous applications pending, if any, shall stand closed.

14. Before parting with the case, at the cost of repetition it is again indicated that

“duty to pronounce a reasoned order is the solemn duty of a judicial officer and an

***indispensible part of sound judicial
system.”***

Dr. CHILLAKUR SUMALATHA, J

08.6.2022

Note:

LR copy to be marked.

B/o

Msr/dr