

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION NO.276 of 2015

ORDER:

The present revision is preferred against the order dated 19.06.2014 passed in I.A.No.472 of 2013 in O.S.No.173 of 2006.

For the first time, when the matter is pressed on 29.01.2015, the delay in representation of the case has been condoned by this Court and when the matter, thereafter, taken up for consideration on 06.03.2015, notice was ordered and today after notice, the matter is heard.

The 1st respondent herein, who was the 1st defendant in the suit, filed I.A.No.472 of 2013 to re-call DW.1 after reopening the evidence of the 1st defendant and to receive the document sought to be marked on behalf of the 1st defendant. That application was ordered on 19.06.2014 as already set out supra. The 2nd respondent herein was the plaintiff in the suit. It is her case that she holds right title and interest to the extent of two-third share of the suit schedule lands, while the remaining one-third interest is held by the 1st defendant/1st respondent herein.

The learned counsel for the petitioners would point out that the plaintiff earlier moved a similar interlocutory application I.A.No.289 of 2012 along with I.A.Nos.290 and 291 of 2012, in this suit, seeking to reopen the plaintiff's side evidence for the purpose of marking a certain document dated 05.02.1912. That application was allowed on 22.06.2012. But, however, on behalf of the plaintiff, the said document was not filed and consequently it was not marked. It was then contended by the learned counsel for the petitioners that the 1st respondent herein, who is the 1st defendant in the suit, filed I.A.No.2499 of 2012 seeking reopening of his evidence and for receiving the additional chief affidavit. That I.A.No.2499 of 2012 was dismissed on 23.01.2013 holding that the sale deed dated 05.02.1912 standing in the name of his grandfather has not been filed before the Court. In those circumstances, the present interlocutory application I.A.No.472 of 2013 was filed and the Court below has allowed the same.

During the course of hearing of this revision, the learned counsel for the 1st respondent/1st defendant in the suit, would submit that the sale deed dated

05.02.1912, an ancient document evidencing the purchase of the suit schedule land by the grandfather of the 1st respondent/1st defendant in the suit, has already been received in evidence by the trial Court and the document was admitted and the 1st defendant in the suit was also extensively cross-examined on that aspect by the present petitioners herein, who are the other defendants in the suit.

In that view of the matter, I do not find any error committed by the trial Court in exercise of the jurisdiction available to it and I find that the discretion has been properly and carefully exercised by the trial Court.

Hence, this revision is dismissed. No order as to costs.

The miscellaneous petitions, if any pending in this petition, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

06.04.2015

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