

HON'BLE SRI JUSTICE R. SUBHASH REDDY

**CIVIL REVISION PETITION Nos.3242, 3249 and 3252 of
2015**

COMMON ORDER :

Since the issue involved in these Civil Revision Petitions is inter-related and the parties are also one and the same, they are heard together and being disposed of by this common order.

2. These Civil Revision Petitions, under Article 227 of the Constitution of India, are filed by the petitioner/defendant aggrieved by separate orders dated 15.06.2015 in I.A.Nos.179, 177 and 178 of 2015 in O.S.No.920 of 2013, passed by the II Senior Civil Judge, City Civil Court, Hyderabad, allowing the applications filed by the respondents/plaintiffs i.e., (i) I.A.No.179 of 2015 filed under Order 7, Rule 14(3) r/w. Section 151 of C.P.C., seeking to grant leave to the plaintiffs and to receive the documents as per list; (ii) I.A.No.177 of 2015 filed under Order 18 Rule 17 r/w. Section 151 C.P.C., seeking to recall P.W.1 for marking documents i.e., statement of accounts and letter dated 24.5.2013; and (iii) I.A.No.178 of 2015 filed under Section 151 of C.P.C., seeking to re-open the evidence of P.W.1 for marking documents.

3. The respondents/plaintiffs filed the aforesaid suit for recovery of money stated to be the arrears of rent. During the course of cross-examination of D.W.1, as the

petitioner/defendant disputed payment of rents, the respondents/plaintiffs have filed applications being I.A.Nos.179, 177 and 178 of 2015 in O.S.No.920 of 2013 for the aforesaid reliefs. The petitioner/defendant filed counter affidavit opposing the relief sought in the said applications, stating that though the documents were very much available with the plaintiffs during the evidence, the present applications are filed at a belated stage. The Court below, after considering the material and the evidence on record, passed separate impugned orders dated 15.6.2015, on the ground that no prejudice will be caused to the other side if the documents are received, subject to the proof and relevancy and the other side will have an opportunity to cross-examine P.W.1 to disprove the said documents, and consequently allowed the other two applications. Aggrieved by the said orders, the present civil revision petitions are filed.

4. Learned counsel for the petitioner/defendant contends that only to fill up the lacuna in the evidence, the present applications are filed, at a belated stage, which is not permissible.

5. Having heard learned counsel for the petitioner/defendant, I have perused the impugned orders and the material on record.

6. It is to be seen that only during the course of cross-examination of D.W.1, as the payment of rents were disputed by the petitioner/defendant, the

respondents/plaintiffs were constrained to file the present applications. Therefore, it cannot be said that only to fill up the gaps or lacuna, the present applications are filed. Further, the documents, which are sought to be marked, are only the statement of accounts and the letter dated 24.5.2013. Therefore, as rightly observed by the Court below, as the petitioner/defendant also will get an opportunity to cross-examine P.W.1 to disprove the said documents, no prejudice would be caused if the said applications are allowed.

7. In view of the reasons assigned by the Court below, I do not find any illegality in the impugned orders, warranting interference under Article 227 of the Constitution of India.

8. Accordingly, these civil revision petitions are dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, in these revisions shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY
14.08.2015.
Msr

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