

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION Nos.5318 and 5240 of 2015

COMMON ORDER :

Since the issue involved in both 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 No.9 aggrieved by the orders dated 03.10.2015 in I.A.No.307 of 2015 in O.S.No.376 of 2007; and in I.A.No.308 of 2015 in O.S.No.376 of 2007, respectively, dismissing both the applications.

3. The suit in O.S.No.376 of 2007 is filed by respondent Nos.1 and 2 herein, who are plaintiffs, in the year 2007, for declaration, injunction and recovery of possession against the petitioner herein, who is defendant No.9, and respondents Nos.3 to 14 herein, who are defendant Nos.1 to 8 and 10 to 13 in the suit. After the closure of evidence of the plaintiffs, D.Ws.1 to 3 were examined and after commencing the evidence of defendant No.9, the matter was posted to 02.12.2014 for further evidence of defendant No.9. On 02.12.2014, as defendant No.9 was not available, his evidence was closed and written arguments were also filed by the plaintiffs. At that stage, the petitioner/defendant No.9 has filed the present applications i.e., (i) I.A.No.307 of 2015 under Order XVI, Rule 7, r/w. Section 151 of C.P.C., seeking to summon the General Power of Attorney dated 06.05.1997 lying with SBI, PBB Kukatpally Branch, Hyderabad; and (ii) I.A.No.308 of 2015 under Section 151 of C.P.C., seeking to re-open his evidence for the purpose of filing further evidence in the suit. Counter affidavit is filed by the respondents/plaintiffs in the said applications. After considering the material on record, through the impugned order dated 03.10.2015, the Court below has dismissed

I.A.No.307 of 2015 on the ground that though the matter pertains to 2007, the application was filed at a belated stage and no reasons were assigned for filing petition with abnormal delay. In view of dismissal of I.A.No.307 of 2015, I.A.No.308 of 2015 was also dismissed. Hence, the present civil revision petitions.

4. Heard Sri P. Sri Ram, learned counsel for the petitioner in both the revisions and perused the material on record.

5. It is to be noticed that the suit is of the year 2007, which is filed for declaration, injunction and recovery of possession. Though ample opportunity was given to the petitioner/defendant No.9 number of times, he was not available for further evidence and hence his evidence was closed and written arguments were also filed on behalf of the plaintiffs. In that view of the matter, the present applications are filed at a belated stage only to protract the litigation, but not for any bonafide reason.

6. In view of the reasons assigned by the Court below, I do not find any merit in both the civil revision petitions, warranting interference by this Court under Article 227 of the Constitution of India.

7. Accordingly, both the 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

04.12.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

CIVIL REVISION PETITION Nos.5318 and 5240 of 2015

04.12.2015

Msr