

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION Nos.1309 and 1378 of 2015

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COMMON ORDER:

Heard the learned Counsel for the petitioners and the learned Counsel for the respondents.

The petitioners are defendants 2 and 3 in O.S.No.197 of 2006 on the file of the learned Principal Junior Civil Judge at Shadnagar. The suit was filed by the respondents herein for partition of the suit schedule lands and cancellation of gift settlement deed dated 19.05.1988. It is submitted that the evidence of plaintiffs is completed and when the defendants' evidence has come up, the present applications were filed by defendants 2 and 3. I.A.No.178 of 2014 was filed calling for the register containing the specimen signatures and thumb impressions of the executants of registered sale deed Nos.499 and 500 of 1983, dated 11.04.1983, from the Sub-Registrar of Assurances, Shadnagar, and I.A.No.301 of 2014 was filed to summon the attesters to give their evidence. Both the applications were dismissed by the learned Principal Junior Civil Judge, Shadnagar, by separate orders dated 19.01.2015.

I.A.No.178 of 2014 was dismissed on the ground that the application was not filed at the relevant time and was filed at a belated stage. It was also observed that the suit is an identified suit of the year 2006. I.A.No.301 of 2014 was also dismissed more or less on the same ground and observing that calling for witnesses is a futile exercise at a belated stage.

Learned Counsel for the petitioners submits that the orders of the learned Junior Civil Judge are not correct and since the evidence is not completed, the applications cannot be treated as belated.

Learned Counsel for the respondents, though opposed, did not raise any valid ground for such opposition.

In the circumstances, both the Civil Revision Petitions are allowed, and the applications in I.A.Nos.178 of 2014 and 301 of 2014 are also consequently allowed. Since the suit is of the year 2006 and is already an identified suit, the petitioners shall cooperate for the early disposal of the suit, and the learned Principal Junior Civil Judge, Shadnagar, is directed to complete the trial as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. The miscellaneous petitions pending in these Civil Revision Petitions, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

19.06.2015

vs

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