

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP Nos.5464 & 5472 of 2012

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Date:13.04.2015

Between:

Musheerunnsa Begum

..... Petitioner.

AND

Seryar Khan and others.

.....Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP Nos.5464 & 5472 of 2012

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COMMON ORDER:

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These two revisions are preferred against orders dated 02-07-2012 in I.A.No.83/2011 & I.A.No.84/2011 respectively, which are filed in O.S.No.1570/1997 on the file of VIII Additional Senior Civil Judge (Fast Track Court), City Civil Court, Hyderabad.

2. Revision petitioner herein is D3 and first respondent herein is plaintiff in the above referred suit. I.A.No.83/2011 is filed to reopen the case and I.A.No.84/2011 is filed to receive

rejoinder for the written statement filed on behalf of D3.

3. Heard both sides.

4. Advocate for revision petitioner submitted that D3 filed written statement on 28-03-1998 and after the evidence is completed, arguments are heard on both sides, and when matter is reserved for judgment, at that stage, plaintiff filed these two applications i.e., one is to reopen the case and the other to receive rejoinder more than 12 years after filing of the written statement and when the same is objected by a detailed counter, the Court below, without considering the same, by way of a cryptic order, allowed both the petitions. He submitted that on account of allowing the application to receive rejoinder, the plaintiff may request for recall of the witness adducing further evidence etc., in which case, the clock has to be set back to the stage of trial and disposal of the suit will be further delayed. Advocate for plaintiff in reply to this, submitted that rejoinder is filed only to place it on record and plaintiff is not going to lead any further evidence or request the Court to recall any of the witnesses to cross-examine with reference to the contents of the rejoinder therefore, that objection of the counsel for the revision petitioner cannot be accepted.

5. I have perused the material papers including the impugned orders dated 02-07-2012. As rightly pointed out by Advocate for revision petitioner, the trial Court, without

application of mind, very casually conceded to the request of the plaintiff for receiving rejoinder without looking into the provisions of Order 8 Rule 9 CPC., scrupulously. Now in view of the submission of Advocate for plaintiff in open Court, without going into these aspects, as the main apprehension of the revision petitioner that the plaintiff may again ask for leading further evidence etc., is clarified by the Advocate for plaintiff, I feel by recording the submission of the counsel for the plaintiff i.e., respondent herein, which is made across the bar, both the revisions can be disposed of directing the Court below to decide the main suit, within a stipulated time.

6. For these reasons, both the revisions are disposed of directing the Court below to dispose of the main suit within two months from the date of receipt of this order without entertaining any petitions for recall of witnesses or further evidence on account of receiving this rejoinder or for consideration of plea raised in rejoinder. The trial Court shall dispose of the case as per the material available on record as of now and it should also consider the objection with regard to plea of limitation raised by the defendants. No costs.

7. As a sequel, miscellaneous petitions, if any, pending in these Civil Revision Petitions, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:13.04.2015

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