

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.1597 of 2015

ORDER:

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

2. The petitioners herein are defendants 1 to 5 in O.S.No.372 of 2006 on the file of the Court of II Additional Chief Judge, City Civil Court at Hyderabad (for short, trial Court). Respondents 1 to 3 herein filed the said suit for partition against the petitioners and respondents 4 to 11 herein. At the time of examination of fourth defendant as D.W.2, he filed I.A.No.123 of 2015 seeking permission of the Court to file 11 certified copies of the documents issued by the High Court of Madras. The trial Court allowed the said application, by order dated 05.02.2015. The said order speaks that the counter was not filed and the petition was allowed receiving the documents subject to proof and relevancy. Later on, on 25.03.2015, D.W.2 was recalled and marked Exs.B.13 to B.18, which are the documents sought to be filed in I.A.No.123 of 2015. Strangely, the petitioners in I.A.No.123 of 2015 filed the present Civil Revision Petition even though there is no adverse order.

3. The learned counsel for the petitioners submits that the petitioners are allowed to mark Exs.B.13 to B.18 only and they are not allowed to mark rest of the documents and the trial Court is going ahead with the cross examination of D.W.2. He also submits that the petitioners filed Transfer CMP.No.219 of 2015 and though initially stay was granted, in view of the transfer of the Presiding Officer, the same is dismissed as infructuous.

4. In the circumstances, it is clarified that the petitioners are entitled to mark the documents subject to the objections that may be raised by the plaintiffs. After marking the documents, the cross examination of D.W.2 shall be completed on or before 31.01.2016 and the entire suit

shall be disposed of on or before 30.04.2016, as it is pending for the last nine years.

5. Accordingly, the Civil Revision Petition is disposed of. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 14.12.2015
TJMR