

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITIN No.5635 of 2015

ORDER:

This revision is preferred by the plaintiff aggrieved by the orders passed in I.A.No.223 of 2015 in O.S.No.24 of 2009 on 26.10.2015 by the learned Junior Civil Judge, Tandur, Ranga Reddy District.

I.A.No.223 of 2015 is filed to reopen the evidence of the plaintiff and to summon the thumb impression register maintained by the Sub-Registrar's office and to collect the thumb impression of the petitioner in the Court and then send the thumb impression so collected together with the thumb impression contained in the thumb impression register for examination by an expert and thereafter for tendering an opinion by such an expert.

The petitioner herein being the plaintiff in the suit, which is filed in the year 2009, has rested his entire case on his belief that he has never executed the alleged sale deeds during the year 1996 and in fact the alleged purchasers have either resorted to methods of impersonation or forgery and therefore, the truth of the matter would come out only if the forgery is held established.

During the course of the order, learned Judge has noticed that by 17.04.2015 the evidence of the defendants was closed and the matter is posted for arguments ever since then. It was recorded that as a last chance, the matter is adjourned on 13.08.2015 to 04.09.2015 with a condition that if any adjournment is sought for on 04.09.2015 instead of completing the arguments, the arguments will be treated to have been heard in the matter. Hence, on 04.09.2015, the present I.A.No.223 of 2015 is filed.

In those circumstances, the learned Judge has arrived at a finding that the present interlocutory application is an attempt to somehow ensure that the suit does not get decided in time.

This Court has been, on the administrative side, insisting that all old matters should be heard and decided by the subordinate Courts in quick time. If a suit of the year 2009 gets dragged on like this for number of years, there is no way that justice can be done to the parties. Therefore, in my opinion, there is no error that has been committed by the Court below in dismissing the present application as it is a clear case of trying to fill up the gaps in the evidence and at this stage if the evidence of the plaintiff is to be reopened, perforce the evidence of the defendants has also to be reopened and the matter will get dragged on. Therefore, I do not find any error of jurisdiction committed by the Court below in dismissing the present application. Hence, I decline to entertain the present revision. Accordingly, the revision is dismissed. No costs.

The miscellaneous applications, if any shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

18.12.2015

Ksp