

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos. 5717 and 5580 of 2015

DATED 31st December, 2015

BETWEEN

Mahemooda Begum

...Petitioner in both CRPs

And

M.F. Nasar and ors

....Respondents in both CRPs

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos. 5717 and 5580 of 2015

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COMMON ORDER:

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These two Civil Revision Petitions which arise out of one and the same suit in O.S.No.35 of 2015 are being disposed of by this common order.

The petitioner in these two Civil Revision petitions is the third defendant in the aforesaid suit on the file of the learned Principal District Judge, Mahabubnagar. The first respondent herein filed the aforesaid suit for recovery of amount based on the mortgage deed. In the said suit, evidence was completed. At the fag end of the suit, the petitioner/third defendant filed I.A.No.1263 of 2015 for recalling P.W.1 for further cross-examination. She also filed I.A.No.1324 of 2015 for filing additional written statement. Initially I.A.No.1263 of 2015 was

allowed through order dated 20.11.2015 on payment of costs and posted the matter to 21.11.2015. On 21.11.2015 the petitioner/Defendant No.3 refused to cross examine P.W.1 and sought for adjournment of the suit by seven days. In those circumstances, I.A.No.1263 of 2015 was dismissed through the order under revision dated 21.11.2015. I.A.No.1324 of 2015 filed by the petitioner/third defendant was also dismissed on the same day on the ground that the contentions raised in the accompanying affidavit and additional written statement of Defendant No.3 are not based on the pleadings of the plaintiff. Now the suit is posted for judgment.

Since the Court below itself granted time to the petitioner/third defendant for cross examination of P.W.1 by order dated 20.11.2015, this Court thought it fit proper to allow I.A.No.1263 of 2015 which was dismissed on 21.11.2015 with costs. Accordingly I.A.No.1263 of 2015 is allowed with costs at Rs.5000/- payable to the learned Counsel appearing for the plaintiff within one week from the date of receipt of a copy of this order provided that the judgment is not pronounced today. If judgment is pronounced, this order will not come into operation.

So far application in I.A.No.1324 of 2015 is concerned, it is an application for filing additional written statement by the third defendant in the suit, who is a subsequent purchaser. This Court is of the opinion that the order passed by the trial Court dated 21.11.2015 is correct and does not call for any interference.

For the foregoing discussion, Civil Revision Petition No. 5717 of 2015 is dismissed while Civil Revision Petition No. 5580

of 2015 is allowed to the extent indicated in paragraph 3 of this order. It is made clear that if the judgment is not pronounced, the petitioner/third defendant shall complete the cross examination of P.W.1 by 31.1.2016. The trial Court shall dispose of the suit by 29.02.2016.

Miscellaneous petitions pending consideration if any in the Civil Revision Petitions shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 31st December, 2015.
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