

HON'BLE SRI JUSTICE R. SUBHASH REDDY

Civil Revision Petition No.2142 of 2010

Order:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by defendants 1 and 2 in O.S.No.49 of 2002, aggrieved by the order dated 09.03.2010 passed in I.A.No. /2010.

After completion of evidence on the plaintiff's side, petitioners-defendants 1 and 2 filed I.A., to direct R.2 and R.4 to R.6 to lead evidence at first instance before them and other defendants. Mainly, it is the case of the petitioners-defendants 1 and 2 that defendants 3, 5 and 7 have already filed written statement supporting the case of the plaintiff. On such I.A., impugned order is passed only on the ground that there is no specific provision to seek such relief.

It is submitted by the learned counsel for the petitioners that when defendants 3, 5 and 7 are supporting the case of the respondent-plaintiff, petitioners herein, who are defendants 1 and 2, can seek directions to R.2 and R.4 to R.6 to lead their evidence first. It is submitted that the reason assigned by the court below in rejecting the I.A., by the impugned order, is contrary to law laid down by the Hon'ble Supreme Court.

A perusal of the impugned order does not indicate any valid reasons for rejecting the I.A. The I.A., is rejected only on the ground that specific provision of law is not mentioned. In that view of the matter, I deem, it is a fit case for reconsideration by the court below.

Accordingly, order dated 09.03.2010 passed in I.A.No. of 2010 in O.S.No.49 of 2002 is set aside and the court below is directed to reconsider the matter and pass appropriate orders if O.S.No.49 of 2002 is not already disposed of.

Civil Revision Petition is accordingly disposed of.
No order as to costs.

As a sequel, miscellaneous petitions if any pending in the C.R.P., stand closed.

R.SUBHASH REDDY, J

January 27, 2015
MRR