

THE HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

C.R.P.Nos.1676 and 1679 of 2015

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COMMON ORDER

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Heard learned counsel for the petitioners.

2. These two civil revision petitions are being disposed of by this common order. They arise out of the orders dated 07.04.2015 passed in S.R.No.50 of 2015 in O.S.No.53 of 2009 and S.R.No.51 of 2015 in O.S.No.54 of 2009 respectively, on the file of V Additional District Judge at Bhongir.

3. The present applications were filed by the plaintiffs in the suits seeking to recall D.W.1 so as to confront and bring on record the survey report to clarify the evidence on issue. The said applications were filed on the ground that the respondent/defendant submitted his arguments and produced a survey copy before the Court, but it was not filed and marked in the suits. Earlier, the trial Court dismissed the applications filed by the petitioners/plaintiffs for appointment of an Advocate Commissioner at the stage of arguments and the CRPs filed by them were also dismissed by this Court by order dated 27.02.2015. The present applications were filed by the petitioners/plaintiffs seeking to recall D.W.1 as aforesaid and the same were rejected stating that though the defendant in his cross-examination stated that survey was conducted and he was ready to file a copy of the survey report, he failed to produce the said report and he closed his evidence without filing the same. The trial Court observed that in view of the same, an adverse inference has to be drawn that the defendant is in possession of survey report and that filing of petition under Order XI Rule 12 CPC does not in any way clarify the evidence on the issues and would assist in rendering justice. The trial Court also observed that no reasons were given for non-filing of the petition earlier and rejected both the applications.

4. This Court does not see any error of jurisdiction in rejecting the petitions filed by the petitioners/plaintiffs at the stage of arguments. Therefore, the Civil Revision Petitions are, accordingly, dismissed at the admission stage. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these revisions shall stand closed.

A. RAMALINGESWAR RAO, J

24th April, 2015.

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