

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

CIVIL REVISION PETITION Nos.3035 AND 3036 OF 2015

—

COMMON ORDER:

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

Both these revisions are connected which arise between the same parties and out of the same suit. Hence, they are being disposed of by this common order

C.R.P.No.3035 of 2015 is filed questioning the order, dated 01.05.2015, passed by the I Additional Junior Civil Judge, Chittoor District, in I.A.No.272 of 2015 in O.S.No.254 of 2009. Under the said application, the petitioner sought leave of the Court to file a petition for condonation of delay to enable him to produce the endorsement issued by the Sub-Registrar, Chittoor District, dated 10.04.2015, certifying that no such document, dated 09.09.1944, was registered in his office. By the said application, the petitioner seeks to introduce the aforesaid document issued by the

Sub-Registrar in support of his case, which was disallowed by the trial Court under the impugned order on the ground that PW.1 has admitted the existence of the said document in the cross-examination and such admission cannot be allowed by the petitioner.

C.R.P.No.3036 of 2015 is filed aggrieved by the order, dated 08.04.2015, passed in I.A.No.227 of 2015 in O.S.No.254 of 2009 seeking a direction to the 2nd defendant to furnish the said gift settlement deed, dated 09.09.1944, stated to have been accepted by the petitioner in his evidence. The trial Court rejected the said application on the self-same ground, as similar to the one which was passed while rejecting I.A.No.272 of 2015.

I have been taken by the learned counsel for the petitioner through the record including the evidence on record on 20.06.2014, wherein he stated as follows:

“It is true my father Ramachandra Reddy executed a registered Gift

Settlement Deed on 09.09.1944 in favour of Munirathnamma and Mangamma. It is true property covered in Gift Settlement deed dated 09.09.1944 and property covered under Ex.A1 is one and the same. ...”

The said admission is sought to be diluted by the present applications by the petitioner, which were rightly disallowed by the trial Court. The existence of the document having been admitted in the cross-examination, as extracted above, it is open for the petitioner to seek leave to lead further evidence on the subsequent document to show that such a document did not exist nor the petitioner can compel the respondents to produce the said document. Both the revisions were rightly rejected by the trial Court and hence no interference is called for in the impugned orders.

The Civil Revision Petitions are accordingly dismissed. However, the trial Court shall proceed with the trial of the suit and complete the same expeditiously. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these Civil Revision Petitions shall stand closed.

VILAS V.AFZULPURKAR, J

09.10.2015

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