

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3699 of 2015

Date: 17-12-2015

Between:

Isukapalli Venkata Lakshmi Narasimha Prasad
and 4 others

.. Petitioners

AND

P. Vishnuvardhan Rao and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3699 of 2015

ORDER:

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The petitioners are defendants 1 to 3, 6 and 7 in O.S.No.377 of 2008 on the file of I Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar. The said suit was filed by the 1st respondent herein for perpetual injunction from interfering with the possession of Ac.0.09 guntas of land in Survey No.85/1 situated at Manikonda village, Rajendranagar Mandal, Ranga Reddy District. The plaintiff's evidence was completed. At the time of DW.1's evidence, the 7th defendant filed an application in I.A.No.363 of 2015 seeking to receive certain documents filed along with his affidavit in lieu of chief-examination as DW.1. They were already mentioned in the written statement. He also prayed for condonation of delay in filing the said documents. The said application was dismissed by order dated 19-06-2015 on the ground that no reason was given for condoning the delay and for not filing the documents along with the written statement.

It submitted by the learned counsel for the petitioners that the documents were already mentioned in the written statement, but they could not file them as they were involved in other proceedings and no prejudice is caused to the respondents/plaintiffs by filing the said documents along with the affidavit in lieu of chief-examination by DW.1.

No doubt, the petitioner did not explain any reason for not filing such documents along with the written statement, but since they have produced them at the time of adducing evidence on behalf of the defendants, the Court below should have been liberal in allowing the application on some terms. In the circumstances, the order dated 19-06-2015 in I.A.No.363 of 2015 in O.S.No.377 of 2008 passed by the I Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar is set aside and the said I.A.No.363 of 2015 in O.S.No.377 of 2008 is allowed with costs Rs.1,000/- (Rupees one thousand only) payable to the legal representatives of the deceased 1st respondent.

The Civil Revision Petition is allowed. Since the suit is of the year 2007 and it is filed for permanent injunction, the Court below is directed to dispose of the suit as expeditiously as possible, but not later than 30-04-2016.No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 17-12-2015

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