

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**CIVIL REVISION PETITION No.2284 OF 2015**

**ORDER:**

This revision petition, under Article 227 of the Constitution of India, is filed by defendant No.2 in O.S.No.134 of 2007 on the file of I Additional Chief Judge, City Civil Court, Secunderabad, aggrieved by the order, dated 03.06.2015, passed in I.A.No.1684 of 2015 in the said Suit.

When the Suit was listed for evidence of the petitioner, as he was not ready, his evidence was ordered to be closed by order, dated 17.04.2015. Aggrieved by the same, petitioner has filed I.A.No.1684 of 2015 to set aside the order, dated 17.04.2015, so as to lead evidence. The Court below, by impugned order, dated 03.06.2015, closed the I.A..

Heard learned counsel for the petitioner and learned counsel for respondent Nos.1 and 4.

The Suit in O.S.No.134 of 2007 is filed with the prayer, which reads as under:

“a) To declare document No.1873/2004 executed by Sri Bukka Rajeshwara Rao in favour of Sri Venkat Sri Ram Medepalli vide document No.1873/2004 of Sub Registrar, Bowenpally, Secunderabad dated 9-9-2004 and document No.179 of 2005 of Sub

Registrar : Bowenpally : Secunderabad  
executed on 5-2-2005 by the Defendant No.3  
in favour of Defendant No.4 in respect of the  
suit schedule property as null and void,  
consequently directing the Sub Registrar  
Bowenpally, Secunderabad to delete the said  
entries by mandatory injunction in respect of  
document Nos.179 of 2005 and 1873 of 2004  
from the records.”

It is the case of the petitioner that due to the reasons  
beyond his control, he could not lead evidence on  
17.04.2015.

On the other hand, it is submitted by the learned  
counsel for respondent No.1 – plaintiff that though the Suit  
is an identified old Suit for disposal, only to protract the  
litigation, the petitioner has filed the present application.

It is true that the Suit in O.S.No.134 of 2007 is an old  
identified Suit for disposal, but as the Suit is filed for  
declaration, in view of the reasons stated in the affidavit  
filed in support of the petition, this Court is of the view that  
it is a fit case to give opportunity to the petitioner to lead  
evidence.

Accordingly, the revision petition is allowed and the  
order, dated 03.06.2015, passed in I.A.No.1684 of 2015 in  
O.S.No.134 of 2007 by the I Additional Chief Judge, City  
Civil Court, Secunderabad, is set aside. Consequently,  
petitioner is permitted to adduce evidence within two

weeks from the date of receipt of a copy of this order and further, the petitioner shall not request for any adjournment without adducing evidence on the dates the Suit is listed for evidence. Further, there shall be a direction to the I Additional Chief Judge, City Civil Court, Secunderabad, to dispose of the Suit as expeditiously as possible, preferably within a period of four (4) months from today.

Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

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**R. SUBHASH**

**REDDY, J**

August 21, 2015

MD