

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CRP Nos.3523, 3524 and 3544 of 2014

COMMON ORDER:

These three Civil Revision Petitions are being disposed of by this common order as they arise out of the proceedings in O.S.No.19 of 2006 on the file of Special Judge for Trial of offences under SCs & STs (POA) Act-cum-VI Additional District Judge, Kurnool.

The petitioners are defendants in the suit in O.S.No.19 of 2006 filed by the respondent herein. The said suit was filed for partition of the suit schedule property and for separate possession of plaintiff's 1/8th share in item Nos. 'A', 'B' and 'E' and half share in "C" of the suit schedule property. After closure of the evidence of defendants, the plaintiff filed three applications i.e., I.A.Nos.152,154 and 153 of 2014 to reopen suit, for summoning the documents from banks and further cross examination of DW.3 based on those documents; to send for the documents from the authorities (Banks) and to recall the evidence of DW.3 for further cross examination respectively and the said applications were allowed by separate Orders dt. 24.09.2014. Challenging the said Orders, these Civil Revision Petitions were filed.

Learned counsel for respondent submits that since the documents are received by the trial Court, the stay granted by this Court has become infructuous.

Learned counsel for petitioners submits that the respondent herein in her affidavit filed in support of the petition in I.A.No.154 of 2014 specified the period for which she wanted to confront DW.3 with the documents stating that they relates to 22.2.2003 to 27.12.2003, but cleverly in the schedule filed along with the petition, the period was

extended from 22.02.2003 to till date and it should be confined to the period mentioned in the affidavit only.

Learned counsel for the respondent did not raise any objection in view of the statement made in the affidavit. Since this is a suit for partition, which was filed in the year 2006, and the evidence of DW.3 was also completed, this Court felt that the applications of the plaintiff should be allowed. Therefore, this Court is not inclined to interfere with the order passed by the trial Court, but restricts the cross examination of DW.3 to the period from 22.02.2003 to 27.12.2003, as mentioned in the affidavit filed by the respondent herein in I.A.No.154 of 2014. The exercise of cross examination of DW.3 shall be completed by the plaintiff, as early as possible, and the suit itself shall be disposed of on or before 30.04.2016.

With the above observation, these three Civil Revision Petitions are dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending in these cases, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 11.02.2016

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