

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition Nos.1290, 1304 and 1342 of 2016

COMMON ORDER:

In these revisions, the revision petitioner is the plaintiff and the respondent is the defendant.

The defendant filed I.A.Nos.16, 63 and 64 of 2016 in OS.No.9 of 2012, respectively to (i) re-open the suit for the purpose of further evidence of the defendant; (ii) recall him (DW1) for the purpose of marking the certified copy of report of the Assistant Director, Survey and Land Records, R.R. District as exhibit on his side; and (iii) receive on file the certified copy of the said report mentioned in the petition list.

The plaintiff having filed counters resisted the said applications. The Court below by the orders impugned in these revisions, allowed the petitions and granted the reliefs as prayed for in the said applications. Aggrieved thereof, the plaintiff filed these revisions.

I have heard the submissions of Sri Hari Sreedhar, learned counsel for the revision petitioner-plaintiff ('the plaintiff', for brevity) and of Sri K. Paghuvēer Reddy, learned counsel for the respondent-defendant ('the defendant', for brevity). I have perused the material record.

These revisions need not detain this Court for long for the following among other reasons.

The plaintiff herein earlier brought CRP.No.3642 of 2015 before this Court having been aggrieved of the earlier orders of the learned II Additional Junior Civil Judge, Ranga Reddy District, passed in IA.No.610 of 2015 in the same suit viz., OS.No.9 of 2012. This Court while admitting the present batch of CRPs noted that earlier this Court granted interim order on 11.09.2015 in

CRP.No.3642 of 2015 directing the trial Court not to reopen OS.No.9 of 2012 for the purpose of adducing evidence; however, by the orders impugned in these revisions, the trial Court reopened the case and allowed adduction of evidence. Having noted the said facts, this Court granted interim suspension of the orders impugned in these revisions.

Thus, it is borne out by record and it is also fairly stated that the orders impugned in these revisions were passed by the trial Court contrary to the interim order granted by this Court on 11.09.2015 in CRP.No.3642 of 2015 whereby the trial Court was directed not to reopen OS.No.9 of 2012 for the purpose of adduction of evidence. Since the orders impugned in these revisions were passed ignoring the interim order passed by this Court in CRP.No.3642 of 2015, it is just and fair to set aside the orders impugned in these revisions and remit the subject Interlocutory Applications to the trial Court for fresh disposal on merits in strict accordance with the procedure established by law as this Court by orders separately passed today disposed of the said CRP.No.3642 of 2015 and batch and as there are no impediments now for disposing the aforesaid I.A.Nos.16, 63 and 64 of 2016 in OS.No.9 of 2012 by the Court below.

In the result, the Civil Revision Petitions are allowed and the orders dated 29.01.2016 of the trial Court in IA.Nos.16, 63 and 64 of 2016 in OS.No.9 of 2012 are set aside and the said IAs are remitted to the trial Court for fresh disposal in strict accordance with the procedure established by law.

Miscellaneous petitions, if any, pending in these revisions shall stand closed.

There shall be no order as to costs.

14th December, 2016
Vjl

M. SEETHARAMA MURTI, J