

**HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

**C.R.P. No.488 OF 2016**

**ORDER:**

The Civil Revision Petition is filed against the order dated 31.12.2015 in I.A. No.1659 of 2015 in I.A. No.960 of 2012 in O.S. No.316 of 2003 by the IX Additional Chief Judge, City Civil Court, Hyderabad.

2) Heard learned counsel for the revision petitioner and learned counsel for the respondents. Perused the material on record.

3) The 1<sup>st</sup> defendant among four defendants, in O.S. No.316 of 2013 which was filed by the plaintiff entity (partnership firm represented by managing partner) for specific performance of contract for sale cum G.P.A bearing document No.852 of 2000 dated 12.04.2000. While the trial is in progress pursuant to the respective contest of the defendants and as per the submission of the learned counsel for both parties from the entire material not placed before this Court to go into the factual matrix but for could rely on them from the four applications viz., I.A. Nos.957 to 960 of 2012 said to have been filed by defendants. Out of it, I.A. Nos.959 and 960 of 2012 filed by defendant No.2, it appears after the evidence of plaintiffs for no evidence adduced by the defendants, their evidence was closed and they filed applications to reopen the defendants' evidence and to receive documents or to permit examination of any of the defendants as the case may be. In fact, out of the four applications according to the revision petitioner I.A. Nos.957 and 958 of 2012 filed by some of the defendants for the

self same relief in I.A. Nos.959 and 960 of 2012 filed by some other defendants.

4) It is, in fact, the defendant No.2 filed I.A. Nos.1658 and 1659 of 2015 to advance the hearing of I.A. Nos.959 and 960 of 2012 in O.S. No.316 of 2003. It appears that those petitions were dismissed as infructuous and impugning that dismissal, the revision is maintained against the impugned order dated 31.12.2015 in I.A. No.1659 of 2015, which to advance the hearing of I.A. No.960 of 2012 supra. This Court (another bench) when the matter came up for hearing on 03.06.2016, called for the report/ explanation of the officer concerned as to the reasons for dismissing the I.A. No.1658 of 2015 as infructuous when I.A. Nos.959 and 960 of 2012 are still pending. From the report of Officer, it is very clear that on the date of hearing, the application for advanced hearing is dismissed as infructuous by the trial Court instead of ordering notice for the main reason that I.A. Nos.959 and 960 of 2015 posted to that date for hearing and thereby, there need not be any requirement, pursuant to the prayer fixing a day for hearing. Thereby, the lower Court rightly acted and there is no illegality or irregularity or impropriety committed by the lower Court in passing the impugned order.

5) From the above, coming to I.A. Nos.957 and 958 of 2012, which are filed to reopen the defendants' evidence permitting to examine the defendants and to receive documents which is pending for decision by lower Court.

6) Having regard to the above, and in the result, the revision is disposed of by directing the learned IX Additional Chief

Judge, City Civil Court, Hyderabad to dispose of I.A. Nos.957 to 960 of 2012 within one week from the date of receipt of the order and make an endeavour for early disposal of the suit, which is of the year 2003. No order as to costs.

Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

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**Dr.JUSTICE B. SIVA SANKARA RAO**

Dt.27.09.2016  
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