

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.1146 of 2011

ORDER:

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This Civil Revision Petition is filed against the order dated 07-02-2011 passed in I.A.NO.5 of 2011 in I.P.No.18 of 2007, wherein the Court below dismissed the application of the petitioners filed under Section 151 C.P.C. for reopening the evidence of petitioners.

Heard learned counsel for the petitioners.

Learned counsel for the petitioners says that the petitioners filed I.A.No.50 of 2011 for summoning the attestors of Ex.A.1 will and the same was allowed. The Court below was pleased to order summons to the proposed witnesses and the matter is posted for paying batta and process to witnesses and the same was filed on

01-11-2010 that summons were also served on the witnesses. But the Court below on 11-11-2010 observed that handed over summons were not taken and batta was not paid and thereafter, the matter was posted for respondents evidence and no evidence let in, the evidence of the respondents is closed. Thereafter, they filed the present petition by bringing the above facts to the notice of the Court and the Court below dismissed the same.

Learned counsel for the petitioners produced certified copy of memo showing that batta has been paid

on 01-11-2010, which is not disputed by the learned counsel for the respondents. This fact goes to show that

on 01-11-2010 batta has been paid, but the trial Court has not taken into consideration of the same.

In view of the above facts and circumstances, the impugned order is set aside and I.A.No.5 of 2011 stands allowed. Since the I.P is of the year 2007, the Court below is directed to dispose of the same on merits within a period of four months from the date of receipt of the order.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

29-01-2016

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