

HON'BLE SRI JUSTICE M.S.K. JAISWAL
CIVIL REVISION PETITION No.1741 of 2016

ORDER :

This revision petition is filed for expeditious disposal of I.A.No.68 of 2014 in A.S.No.68 of 1997 on the file of II-Additional District Judge, Vizianagaram at Parvathipuram.

2. On the previous occasion, when matter came to the High Court by way of S.A.No.297 of 2001, by judgment dated 24.04.2009, this Court has remanded the matter back to the 1st appellate Court in view of two documents being filed in the Second Appeal by way of additional evidence. Those two documents were filed along with S.A.M.P.No.3128 of 2008. This Court, while remanding the matter, has allowed the S.A.M.P. as well. However, though the entire records have been remitted to the Court below, it is represented that the two documents, which were filed along with S.A.M.P.No.3128 of 2008, have not reached the Court below.

3. Having perused the entire record, it is noticed that the two documents which were marked as Exs.A-30 and A-31 during the hearing of Second Appeal, were sent to the Court below on 16.11.2009, but however, it is represented that the same are not found in the Court below and in view of the same, the 1st Appeal is pending since 1997 without there being any progress. Therefore, the petitioner filed I.A.No.68 of 2014 to receive certified

copies of the two documents that are sought to be filed by way of additional evidence during the pendency of the appeal.

4. Having considered the above facts and circumstances, since the 1st appeal is pending from 1997 for want of two documents which are found to be missing, this revision petition is disposed of, directing the 1st appellate Court to hear the main appeal along with I.A.No.68 of 2014 and dispose of the same by the end of June 2016. No costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

M.S.K. JAISWAL, J

22nd April 2016

ajr