

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION Nos.1737 AND 1703 OF
2016

COMMON ORDER:

The former revision petition is preferred challenging the order, dated 04.01.2016, passed in I.A.No.429 of 2013 in O.S.No.38 of 2011 on the file of Senior Civil Judge, Kamareddy, by which, the application filed under Order XVI Rule 1 C.P.C. read with Rule 129 C.R.P. to summon the Tahsildar, Bhiknoor Mandal, with file bearing No.A3/7696/2006, and to give evidence, was allowed.

2. The latter revision petition is preferred challenging the order, dated 04.01.2016, passed in I.A.No.430 of 2013 in the very same Suit, whereby and whereunder, the application filed by respondent No.1 – plaintiff for reopening the evidence on her side, was allowed, which is a consequential order since unless this application was allowed, the very purpose of allowing I.A.No.429 of 2013 would be defeated.

3. Heard Sri Kowturu Vinay Kumar, learned counsel for the revision petitioners and Sri K. Raghuveer Reddy, learned counsel for respondent No.1 in both the revision petitions.

4. The first contention of the learned counsel for

revision petitioners is that way-back in the year 2013, the evidence on behalf of plaintiff's side was closed and the same was followed by 12 adjournments to advance arguments and having maintained silence, with an ulterior motive, respondent No.1 – plaintiff preferred the present applications at a belated stage and the Court below was not right in ordering the same. The second contention advanced by him is that respondent No.2 – Tahsildar, Bhiknoor Mandal, who is defendant No.3 in the Suit and who is sought to be summoned, remained *ex parte* before the Court below and without there being a written statement on behalf of respondent No.2, the Court below was not justified in ordering the present applications.

5. On the other hand, learned counsel for respondent No.1 would submit that at the relevant time, the record was not available with respondent No.2 and that, that was the reason, the present applications were filed at an appropriate time.

6. Be that as it may, in case, the record is produced by respondent No.2 and the same relates to the relief sought for in the Suit, it would, certainly, enable the Court below to dispose of the controversy effectually and completely. Therefore, under Article 227 of the Constitution of India no interference is warranted.

7. Hence, both the revisions are dismissed.

Miscellaneous Petitions, if any, pending in these revision petitions, shall stand closed. No costs.

A. SHANKAR

NARAYANA, J

July 22, 2016.

MD