

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

CIVIL REVISION PETITION Nos.784, 820 and 905 of 2017

COMMON ORDER:

Heard learned counsel for the petitioner and the respondent though served notice is not represented.

These three Civil Revision Petitions are filed against the orders of the learned Prl. Junior Civil Judge, Sompeta in I.A.Nos.58, 59 and 42 of 2016, which were filed by the petitioner/defendant to reopen the case, to recall DW-1 and to receive the house tax receipts issued by the authorities for the years 1989 to 2013.

In support of the petitions the petitioner/defendant filed an affidavit stating that when DW-1 was being cross-examined a suggestion was put to him as to whether he intends to produce the house tax receipts and he answered in affirmative. But, subsequently the tax receipts in respect of the suit schedule property could not be produced inasmuch as the same were filed in O.S.No.49 of 2013, which was between the same parties in the same Court. The petitioner/defendant has obtained the certified copies thereof and filed, due to which there was a delay, but, the Court below has erroneously rejected the request of the petitioner/defendant to receive the documents on the ground that they were taken nearly two (2) years for filing documents.

The documents that are sought to be filed are house tax receipts issued by the Gram Panchayat and they are in respect of the suit schedule property. Explanation offered by the petitioner/defendant that the same could not be filed in time due to the fact that the originals were filed in another suit is not disputed. In that view of the matter, the Court below ought to have allowed the request of the petitioner/defendant subject to certain terms.

In the result, all the Civil Revision Petitions are allowed, setting aside the orders in I.A.Nos.58, 59 and 42 of 2016, and the trial Court is directed to reopen the suit, recall DW-1 and receive the documents subject to proof and relevancy and subject to the condition of petitioner/defendant should pay costs of Rs.1,000/- (Rupees one thousand only) to the respondent/ plaintiff within a period of one month from today and also conclude his evidence within a period of one month thereafter. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K. JAISWAL, J

March 17, 2017

Pn

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