

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos. 5599 of 2016 and 483 of 2017

COMMON ORDER:

These two civil revision petitions are being disposed of by this common order as they arose out of O.S.No.22 of 2009 on the file of the Senior Civil Judge, Markapur.

C.R.P.No.5599 of 2016 was filed against the order, dated 11.07.2016, passed in I.A.No.357 of 2016 in O.S.No.22 of 2009, whereas C.R.P.No.483 of 2017 was filed against the order, dated 11.07.2016, passed in I.A.No.358 of 2016 in the said suit.

The petitioner herein is defendant No.1 in the suit filed for the relief of specific performance. The evidence in the suit was completed, but before advancing arguments, respondent No.1 herein filed the present applications to reopen the evidence and to send the suit agreement of sale to the hand-writing expert. By the impugned orders, the trial Court allowed the applications. Challenging the same, the present civil revision petitions were filed.

The trial Court by taking note of the fact that the applications were filed at a belated stage and the burden is on the plaintiff to prove his case, exercised its discretion and allowed the applications.

I have examined the case from another angle also and noticed that no prejudice would be caused if the applications are allowed,

since the suit was filed by respondent No.1-plaintiff. As rightly observed by the trial Court, respondent No.1-plaintiff has to prove his case and if the proceedings in the suit are delayed for some time, no prejudice would be caused to the petitioner-defendant No.1.

In the circumstances, the civil revision petitions are dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in these revisions shall also stand closed. There shall be no order as to costs.

Dt:10.02.2017

kdl



A.RAMALINGESWARA RAO,J