

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP No.6058 of 2016

ORDER:

This civil revision petition is filed by the petitioners-plaintiffs against the docket order dated 10-11-2016 passed in IA No.132 of 2016 dismissing said IA filed seeking to reopen the matter for further evidence on behalf of the petitioners/plaintiffs.

2. Learned counsel for the petitioners/plaintiffs strenuously contended that the Court below erred in not considering the averments made in the affidavit filed in support of the petition, wherein, *inter alia*, the reasons for reopening the evidence on plaintiffs' side was stated. It is further stated by learned counsel that the plaintiffs want to examine two witness who are adjacent land owners of the land in question and they could not be examined on plaintiffs's side as they were not available in the village at the relevant time and hence the Court below ought to have permitted them to give evidence to secure the ends of justice.

3. It is seen that in para (2) of the affidavit filed in support of the petition, reasons are given as to why the petitioners could not examine the proposed witnesses. It is stated that they could not examine them earlier for want

of their presence in the village at the relevant time. The suit is filed for declaration of title and to declare that plaintiffs are entitled to receive the compensation amount from the defendants 5 and 6 in respect of the land in question and also for consequential perpetual injunction against the defendants 1 to 4. The property rights of the parties are involved. The Court below except stating that the petitioners/plaintiffs filed this petition at a belated stage, no reasons are mentioned in the impugned order in rejecting the application of the petitioners.

4. Though notice is ordered, none appears for the respondents.

5. In the circumstances, the impugned order is set aside and the matter is remanded to the file of the Court below to decide the IA afresh after issuing notices to the parties and pass appropriate orders thereon in accordance with law.

6. The civil revision petition is allowed to the extent indicate above. Miscellaneous petitions, if any pending shall also stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 07-04-2017
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