HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION Nos. 5618, 5620, 5702 and 5872 of 2016

COMMON ORDER:

1) C.R.P.No.5618 of 2016 is filed, against the order dated 12.09.2016 passed in I.A.No.622 of 2016 in O.S.No.14 of 2012 on the file of the II Additional District Judge, Madanapalle, wherein an application filed under Order XVIII Rule 17 and Section 151 of C.P.C. to recall the petitioner/defendant for the purpose of marking the document was dismissed.

2) C.R.P.No.5620 of 2016 is filed, against the order dated 12.09.2016 passed in I.A.No.618 of 2016 in O.S.No.14 of 2012 on the file of the II Additional District Judge, Madanapalle, wherein an application filed under Section 94 (e) and 151 of C.P.C. to re-open the suit for the purpose of adducing evidence was dismissed.

3) C.R.P.No.5702 of 2016 is filed, against the order dated 12.09.2016 passed in I.A.No.619 of 2016 in O.S.No.14 of 2012 on the file of the II Additional District Judge, Madanapalle, wherein an application filed under Order VIII Rule 1-A of C.P.C. to done the delay in filing the documents and to receive the same on behalf of the petitioner/defendant was dismissed.

4) C.R.P.No.5872 of 2016 is filed, against the order dated 12.09.2016 passed in I.A.No.660 of 2016 in O.S.No.14 of 2012 on the file of the II Additional District Judge, Madanapalle, wherein an application filed under Order XVI Rule 1 of C.P.C. to summon

the Sub-Inspector, Special Branch, Chittoor for causing production of the record was dismissed.

5) Since the issue involved in all the Civil Revision Petitions filed under Article 227 of the Constitution of India are interconnected, they are disposed of by this common order.

6) The respondent herein filed O.S.No.14 of 2012 seeking damages of Rs.15,00,000/- against the defendant for making false, defamatory and scandalous allegations in his Ashoka Monthly Magazine November Part 2011, together with interest at 12.5% per annum from the date of suit till the date of payment. After adducing the evidence by both the parties, on 05.07.2016 the said suit was reserved for judgment. Thereafter, on 11.07.2016, the petitioner, who is the defendant in the suit filed four applications ie. to re-open the suit, recall of DW.1, to receive the documents by condoning the delay in filing the said application and to summon the Sub-Inspector of Police, Special Branch, Chittoor.

7) The respondent herein filed counter in all the petitions stating that when the suit is posted for arguments, the petitioner has come up with the applications. It is stated that the documents sought to be filed by the plaintiff are very much available with him and no suitable explanation is forthcoming to show as to why they were not filed at the earliest.

8) On 12.09.2016, the petitioner called absent as there was no representation and no written arguments were filed. Though the

original suit was reserved for judgment on 05.07.2016 and as the petitioner was not evincing any interest to advance arguments in the application all the petitions were dismissed for default. Challenging the same the present revisions came to be filed.

9) It is to be noted that in spite of service of notice on counsel appearing for the respondent, there is no representation on his behalf. It is also to be noted that the present applications came to be filed immediately after the case was posted for arguments. Admittedly, the petitions filed by the petitioner were dismissed for default. Having regard to the facts and circumstances of the case and taking into consideration the nature of suit, this Court is of the view that an opportunity can be given to the petitioner to advance arguments on these petitions. Hence, the orders under challenge are *set aside* and the matters are remanded back to the trial Court, with a direction to dispose of the applications on merits, if the judgment in the suit is not yet pronounced. The petitioner shall advance arguments on the next date of hearing.

10) With the above direction, all the Civil Revision Petitions are disposed of. There shall be no order as to costs.

11) As a sequel thereto, Miscellaneous Petitions pending if any, shall stand closed.

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JUSTICE C.PRAVEEN KUMAR

22.03.2017
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