

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

CIVIL REVISION PETITION Nos.5050, 5892 and 6019 of 2016

COMMON ORDER:

Heard learned counsel for the petitioners/plaintiffs and learned Government Pleader for Arbitration the respondents.

The petitioners are the plaintiffs in the suit. They filed suit against the respondent-State for declaration in respect of the suit schedule property, which comprised of the land in Sy.No.96/5 of Gopalapuram village. It appears that the said suit was decreed in favour of the petitioner/plaintiffs, but, subsequently on appeal by the State the same was remanded back to the trial Court and the trial commenced afresh.

These three Civil Revision Petitions are filed against the orders of the learned Junior Civil Judge, Rajam in I.A.Nos.171, 172 and 173 of 2016, which were filed by the petitioners/plaintiffs to reopen the evidence of PW1, to recall PW-1 and to receive the 10(1) copy for the Fasali 1395 and cultivation adangals for the fasali 1395.

Perused the affidavit filed in support of the applications in the Court below. The grounds mentioned therein are reasonable and it can be believable for the reason that the documents that are now sought to be filed are the revenue records issued by the respondent authorities themselves.

Learned Government Pleader submits that the genuineness of the said documents is in dispute.

If that be the case, it is always open for the State to question the correctness of the documents that are now sought to be filed by the petitioners/plaintiffs. Therefore, in order to place the entire material on record in the trial Court, it is just and reasonable the applications of the petitioners/plaintiffs to receive the documents can be accepted subject to proof and relevancy.

In that view of the matter, all the Civil Revision Petitions are allowed, setting aside the orders in I.A.Nos.171, 172 and 173 of 2016, and the trial Court is directed to reopen the evident of PW1, recall PW-1 and receive the documents subject to proof and relevancy. 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

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