

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.269 and 297 OF 2018

COMMON ORDER :

These revision petitions are filed against the common order dated 21.12.2017 passed in IA.Nos.1354 of 2017 and 1355 of 2017 in LA.OP.No.102 of 2011, wherein the court below dismissed the said applications which are filed seeking to permit RW4 (R4 in the OP) to adduce further chief-evidence and to enable him to mark 17 documents as Exs.B5 to B21 and to receive those documents, respectively.

Learned counsel for the petitioners submits that the documents sought to be marked pertains to the land to an extent of Ac.6.02 cents in R.S.No.547/1 and 547/2 and the subject matter in the present OP pertains to the land to an extent of Ac.1.57 cents in R.S.No.547/1 and 547/2, as such, the documents are very much necessary and they are already marked in OS.No.2 of 2012 filed between the claimants of the OP.

Heard Sri K.Chidambaram, learned counsel for the 2nd respondent.

It is unfortunate, counsel appearing for both the parties have not appeared before the trial Court and thus the trial Court passed the impugned order, but, now it is

complained that the impugned order is erroneous. Having filed 'vakalat' it is the duty of the advocates to appear before the Court and defend the parties. But, in the present case, both the counsel failed to appear before the Court below. As counter is not filed, it goes to show that the respondents are also not seriously opposing the applications filed by the petitioners. It is found in Para-4 of the impugned order that subject land involved in the present OP.No.102/2011 and the subject land involved in the documents sought to be marked are located in the same survey number i.e. R.S.No.547/1 and 547/2. Since the present OP is reference under Section 31(2) of the Land Acquisition Act by the Land Acquisition Officer, the dispute has to be resolved between the claimants. In view of the same, this Court is of the opinion that for proper adjudication of the OP, the documents may have some relevance and the said aspect can be considered after the documents are received and during the course of trial.

In view of the same, the impugned order dated 21.12.2017 passed in IA.Nos.1354/2017 and 1355/2017 is set aside and the Court below is directed to mark the said documents, in accordance with law. Since OP.No.102/2011 is of the year 2011, the Court below shall fix a date and dispose the said OP, within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Civil Revision Petitions are allowed.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the CRPs, shall stand closed.

A.RAJASHEKER REDDY, J

16.03.2018

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