

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.4705 OF 2015

ORDER:

The present revision petitioner is defendant No.6 in the suit.

2. Aggrieved by the order dated 29.08.2015 in I.A. No.380 of 2015 in O.S. No.240 of 2009 passed by the learned XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad, the present Civil Revision Petition is preferred under Article 227 of the Constitution of India.

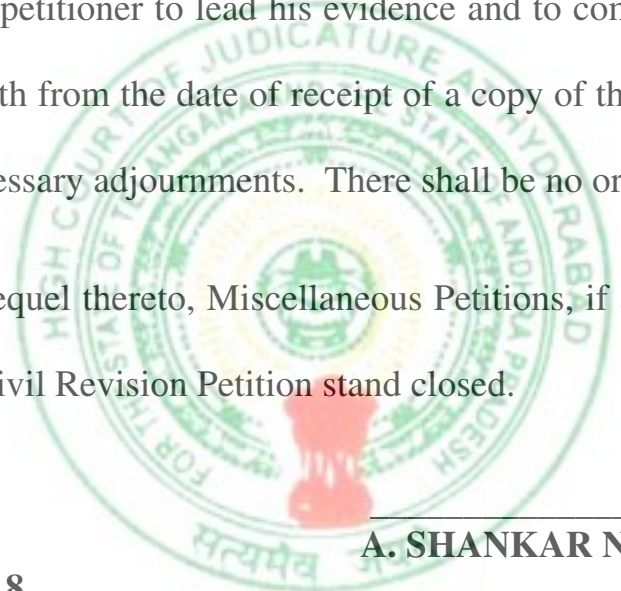
3. The grievance of the petitioner is that he was not afforded reasonable opportunity of leading his side evidence.

4. The learned counsel for the revision petitioner, Sri P.V. Uma Shanker Rao, would submit that the petitioner, somehow, could not attend on two occasions and that that was the reason, he was deprived of leading his evidence. The learned counsel draws attention of this Court to the case status report. In fact, on 29.06.2015, last chance was granted to the petitioner to lead his evidence on 30.07.2015. Of course, again it was adjourned to 05.08.2015, on which day, the petitioner side was closed and adjourned to 14.08.2015 for arguments. On 14.08.2015, the petition in which orders were passed now under challenge was filed and on 26.08.2015, the said petition was dismissed.

5. When substantive rights are involved as the suit relates to the rights in immovable property and even when the medical proof is also filed from Yashoda Hospitals that the petitioner is suffering from Cancer 'Stage - IV', the Court below ought to have given a chance to lead evidence and ought to have closed after completion of the evidence of the petitioner. Keeping in view, the medical record filed, there is every reason to allow the present revision petition.

6. Therefore, the present Civil Revision Petition is allowed directing the petitioner to lead his evidence and to complete the same within a month from the date of receipt of a copy of the order without taking unnecessary adjournments. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present Civil Revision Petition stand closed.



A. SHANKAR NARAYANA, J

April 10, 2018.

NOTE:

1. Furnish a copy of the order to the Court concerned forthwith.
2. Furnish C.C. of the order by 12.04.2018.

(BO) PV