

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.1490 of 2014

ORDER:

The defendants in O.S.No.822 of 2004 are the revision petitioners. The revision petitioners filed I.A.No.1298 of 2013 to reopen the suit for adducing evidence by the revision petitioners. The suit is one for declaration of title and perpetual injunction. It may be true that the affidavit filed by the revision petitioners does not give as many details as would be necessary to exercise discretion and consider the prayer of revision petitioners for reopening the suit for adducing evidence by revision petitioners. The order impugned in the Civil Revision Petition has no exception in this behalf. The affidavit suffers from non-disclosure of details, but the order impugned suffers from too much of brevity.

This Court is of the view that the trial Court ought to have put the revision petitioners on terms and conditions and thereafter give one opportunity to adduce evidence. The notice was ordered on 04.06.2014. In spite of service of notice on the respondent, no one appears on behalf of the respondent.

This Court to meet the ends of justice and being satisfied that the discretion is not rightly exercised by the learned trial Judge, sets aside the order impugned in the Civil Revision Petition and grants four weeks time from today to revision petitioners to adduce evidence.

Since the suit is of the year 2004, the learned trial Judge considers disposing of the suit expeditiously, preferably within four weeks thereafter.

The Civil Revision Petition is allowed accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 17-08-2018
Prv

