

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION Nos.2593 and 2595 OF 2018

COMMON ORDER:

Heard Mr.K.Venumadhav, for the revision petitioners and Mr.Vadlamudi Kiran Kumar, for the 7th respondent/contesting party in these two Civil Revision Petitions.

2. Plaintiffs in O.S.No.167 of 2008 are the revision petitioners. Suit is filed for partition and separate possession of plaint schedule properties as set out in the plaint. On the application filed by the revision petitioners, Maduri Srinivas was impleaded as defendant No.7 in O.S.No.167 of 2008 and the prayer for declaration made in I.A.No.396 of 2015 was allowed. The effect of these two applications i.e. I.A.Nos.167 and 168 of 2018 is that prayer for declaring the sale deed in favour of the 7th respondent is null and void and not binding on the plaintiffs and that the transferee from one of the defendants is also impleaded in the suit. Thus, it is stated that the frame of the suit for comprehensively considering the parties etc has been completed.

3. Learned counsel appearing for the parties submit that the evidence on plaintiffs' side was closed on 06.12.2017 and thereafter, the evidence on defendants' side was commenced. The revision petitioners did not get the sale deed standing in the name of the 7th respondent marked as one of the exhibits. The consequence of such a situation, which is a substantive prayer, is made in the plaint and the evidence on plaintiffs' side is completed, but without the sale deed, dated 24.03.2013, as one of the exhibits. Under these circumstances, these two applications are

filed. The trial Court substantially has gone into the merits of the case on the relief of partition and whether the purchase by 7th respondent is after the birth of one of the plaintiffs' or before and rejected the applications. Hence, the Civil Revision Petitions.

4. The chronology of events are referred to and the consideration thereof clearly shows that the reasoning given by the trial Court is unconvincing, illegal and unsustainable. Further, it is clear, the trial Court keeping in view that the instant suit is one of the oldest matters, declined the relief of reopen and recall.

5. Affording an opportunity to the revision petitioners for the limited purpose of marking Document No.1535 of 2013, dated 21.03.2013, ought to have been considered. Further to meet the ends of justice, the orders under revision are set aside. P.W.1 is directed to appear before the trial Court on 10.10.2018 and he is allowed to mark the copy of document No.1535 of 2013 dated 21.03.2013 and with that the evidence may be closed by the trial Court. The trial Court considers disposing of the suit O.S.No.167 of 2008 within a period of two months from the date of receipt of a copy of this order.

6. The Civil Revision Petitions are ordered as indicated above. Miscellaneous petitions, if any, pending in these two revision petitions shall stand closed. There shall be no order as to costs.

JUSTICE S.V. BHATT

OCTOBER 03, 2018

Note:

Issue C.C. in two days.

(B/o)
YVL

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Dt: 03.10.2018

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