

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.5526 OF 2015

ORDER:

Heard Mr.Jalli Kanakaiah for petitioner and Mr.M.V.Hanumantha Rao for respondent No.1.

The trial Court exercised its jurisdiction and also discretion in a casual and liberal way. Though the trial Court was dealing with the prayer made in an interlocutory application, the trial Court ought to have taken note of the averments in the affidavit accompanying the instant application and whether with such averments, the prayer to recall DW.1 could be considered or not. It is not in dispute that DW.1 is recalled for the purpose of marking simple sale deed, partition deed, house tax receipts, water tap receipts and demand notice.

Admittedly, these documents are not filed along with the written statement. It is not clear whether the trial Court granted leave firstly to bring these documents on record or not notwithstanding the absence of leave whether these documents can be directly marked in evidence.

For the above reasons, this Court is of the view that the order impugned in the CRP is completely illegal and untenable. The order impugned in the CRP is set aside and the C.R.P. is allowed. The trial

Court considers and disposes of the suit within six weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:28.08.2018
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