

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NOS. 2322 & 2101 OF 2011

COMMON ORDER:

Both these civil revision petitions are filed under Article 227 of the Constitution of India, challenging the orders in I.A.No.458 of 2010 in O.S.No.6 of 2000 and I.A.No.459 of 2010 in O.S.No.7 of 2000 passed by the Junior Civil Judge at Bheemunipatnam on 25.04.2011.

The respondents herein filed I.A.No.458 of 2010 in O.S.No.6 of 2000 and I.A.No.459 of 2010 in O.S.No.7 of 2000, praying to set-aside the order of eschewing examination-in-chief of D.W.1 dated 19.07.2010. It is stated that, the defendants herein could not appear before the Court below, due to non availability of proper conveyance. Further, as the brother of the defendants' counsel died on that day, the defendants' counsel also could not represent the matter for which, their evidence was eschewed. Thereupon, the Court below passed the order dated 19.07.2010. It is contended that the reason for failure to appear before the Court is beyond their control and therefore, requested the Trial Court to set-aside the order dated 19.07.2010.

The respondents in I.A.No.458 of 2010 in O.S.No.6 of 2000 and I.A.No.459 of 2010 in O.S.No.7 of 2000, filed counter, denying material allegations, contending that, several adjournments were granted to examine the witnesses and imposed costs finally. But, there was no response from the respondents herein and sought

dismissal of the interlocutory applications.

The Trial Court, after considering the merits of the case, passed an order in I.A.No.458 of 2010 in O.S.No.6 of 2000 and I.A.No.459 of 2010 in O.S.No.7 of 2000 dated 25.04.2011, setting-aside the docket order dated 19.07.2010, subject to certain conditions that the defendants herein have to pay costs of Rs.200/- and the petitioner herein must appear before the Court below on 04.05.2011 without fail tendering himself for cross examination. The Trial Court made it clear that no further adjournments would be entertained on the next date of hearing and cautioned that, in case of non-compliance of the above conditions, the interlocutory applications shall stand dismissed.

Assailing the orders in I.A.No.458 of 2010 in O.S.No.6 of 2000 and I.A.No.459 of 2010 in O.S.No.7 of 2000 dated 25.04.2011, the present civil revision petitions are filed before this Court in the year 2011 on various grounds.

The main ground urged before this Court is that the Court below granted sufficient time to examine the witnesses to adduce evidence. But, the respondents did not avail the opportunity afforded to them, thereby, they are guilty of laches and prayed to allow the civil revision petitions, setting aside the order passed by the Trial Court, as the ground raised in the petition raising sufficient cause to substantiate the order.

Learned counsel for the petitioners, after arguing the matter for a while, requested this Court to pass appropriate order directing the Junior Civil Judge at Bheemunipatnam to dispose of the petitions,

since the petitioners are aged 71 and 51 years respectively, within specific time frame, without touching the merits of the petition.

In view of the specific request made by the learned counsel for the petitioners, without touching the merits of the case, I deem it appropriate to direct the Junior Civil Judge at Bheemunipatnam to dispose of O.S.No.6 of 2000 and O.S.No.7 of 2000 on or before 31.03.2018. Even otherwise, the Supreme Court had issued directions on judicial side and in pursuance of the directions issued by the Apex Court, this Court issued circulars to the subordinate Courts to dispose of matters of pre-2012 cases by the end of March 2018. Therefore, keeping in view the circulars issued by this Court and age of the suits, Junior Civil Judge at Bheemunipatnam is bound to dispose of the suits on or before 31.03.2018.

With the above direction, both the civil revision petitions are disposed of. No costs.

Consequently, miscellaneous applications pending if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Dated:18.01.2018

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