

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.6598 & 6576 of 2018

COMMON ORDER:

Since both these Civil Revision Petitions arising out of Common Orders in I.A.Nos.337 & 338 of 2018 in O.S.No.147 of 2013, they are being heard together and disposed of by way of this Common Order.

Both these Civil Revision Petitions are filed against Common Orders dated 06.10.2018 in I.A.Nos.337 & 338 of 2018 in O.S.No.147 of 2013 wherein and whereby the applications filed for reopening the suit and also to summon the witnesses, respectively were dismissed by the Court below.

Learned counsel for the petitioners in both the Civil Revision Petitions, submits that the petitioners made application under RTI and obtained documents, as such, conditions laid down in Rule 129 of Civil Rules of Practice are complied with. He submits that the compliance under Rule 129 of Civil Rules of Practice is only a curable irregularity and now the petitioners have cured the same, as such, petitioners may be granted one more opportunity to file the documents to substantiate their defence in the suit and that no prejudice would be caused to the respondent.

On the other hand, learned counsel appearing for the respondent submits that after suit is posted for arguments, these applications are filed without complying the conditions

laid down under Rule 129 of Civil Rules of Practice. He submit that if these petitions are allowed, again some more witnesses have to be examined and again the matter has to be posted for trial and that already sufficient opportunities were given to the petitioners/defendants.

In this case, it is to be seen that the trial Court has considered the issue elaborately and came to the conclusion that the petitioners have not made any effort to obtain the certified copies of the documents sought from the Public officers and to file in the suit. The suit is of the year 2013 and the same is simplicitor for recovery of money basing on the agreement dated 31.08.2009. Both the petitioners and respondent adduced both oral and documentary evidence and answered all the points. A perusal of the impugned order also goes to show that the Court below has considered the issue in proper perspective and rightly dismissed the applications filed by the petitioners.

In view of above facts and circumstances, I do not see any error or illegality in the common order passed by the Court below warranting interference under Article 227 of the Constitution. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in these Civil Revision Petitions shall stand dismissed.

A.RAJASHEKER REDDY,J

16.11.2018
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.6576 & 6598 of 2018



Date: 16.11.2018

kvs