

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.2135 AND 2158 OF 2019

COMMON ORDER:

These Civil Revision Petitions, under Article 227 of the Constitution of India, are filed aggrieved by the common order, dated 20.12.2018, passed in I.A.Nos.319 and 441 of 2018 in O.S.No.6 of 2012 by the Junior Civil Judge, Wanaparthi, wherein the Court below has allowed the subject Interlocutory Applications filed to permit the respondents/defendants to file additional written statements along with the documents annexed thereto.

2. Heard learned counsel for the revision petitioners/plaintiffs and perused the record.

3. Learned counsel for the revision petitioners/plaintiffs would submit that the revision petitioners/plaintiffs filed the subject Suit for perpetual injunction against the respondents/defendants. In the said Suit, interim injunction was granted in favour of the revision petitioners/plaintiffs. Aggrieved by the same, respondent/defendant No.2 filed C.M.A.No.8 of 2017 on the file of IX Additional District Judge, Wanaparthi, wherein the said appeal was dismissed by order, dated 18.01.2018. The written statements of the respondents/defendants were filed in the Suit in the year 2012. Thereafter, after lapse of six years, the respondents/defendants filed the subject Interlocutory Applications seeking permission to file additional written statements along with the documents annexed thereto, which

are not sustainable. The Court below ought not to have allowed the subject Interlocutory Applications vide the impugned common order. If the revenue authorities come to a conclusion that the Occupancy Right Certificate filed by the revision petitioners/plaintiffs is not genuine, they would have given notice to the revision petitioners/plaintiffs and resorted to cancellation of the same, as per the procedure established. Though number of decisions were cited before the Court below, the Court below did not consider the same and erroneously allowed the subject Interlocutory Applications and ultimately, prayed to set aside the impugned common order and dismiss the subject Interlocutory Applications.

4. The averments in the affidavits filed in support of the subject Interlocutory Applications reveal that the Occupancy Right Certificate filed by the revision petitioners/plaintiffs was not issued from the office of the Revenue Divisional Officer concerned and it is a fabricated document. On noticing the same, immediately, the aforementioned subject Interlocutory Applications were filed to permit the respondent authorities/defendants to file additional written statements and documents relating to proceedings No.E.529/2018, dated 22.03.2018, which reveal the fraud committed by the revision petitioners/plaintiffs.

5. Admittedly, when the original written statements were filed, there was no material available with the respondent

/defendants to prove that the Occupancy Right Certificate filed by the revision petitioners/plaintiffs was not genuine. Later, they came to know that the Occupancy Right Certificate was not issued from the office of the Revenue Divisional Officer concerned. That lead to filing of the additional written statements and the documents connected thereto. The Suit is for perpetual injunction. The additional written statements and the documents filed along with the subject Interlocutory Applications have a bearing over the subject matter of the Suit. The subject Interlocutory Applications are not filed belatedly. Immediately, on noticing the alleged fraud, they were filed. The Court below has also distinguished the facts of the case on hand and the decisions relied on behalf of the revision petitioners/plaintiffs and ultimately, arrived at a just conclusion. There is no perversity in the impugned common order. There are no circumstances to take a different view. The Civil Revision Petitions are devoid of merit.

6. Accordingly, the Civil Revision Petitions are dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Civil Revision Petitions shall stand closed.

Dr. SHAMEEM AKTHER, J

December 05, 2019.
MD