

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.1239 AND 1308 OF 2019

COMMON ORDER:

These Civil Revision Petitions, under Article 227 of the Constitution of India, are filed aggrieved by the orders, dated 24.04.2019, passed in I.A.Nos.263 and 282 of 2019 in O.S.No.108 of 2015 by the Judge, Family Court – cum - VII Additional District Judge, Medak at Sangareddy, whereby, the subject Interlocutory Applications filed to reopen the evidence of DW.1 for further chief examination and to receive the documents i.e., bank statement of the petitioner/defendant and counterfoils by condoning the delay, were dismissed.

2. Heard both sides and perused the record.

3. Learned counsel for the petitioner/defendant would contend that the subject documents are relevant for the purpose of adjudication of the Suit, which is filed for recovery of money. The receipt of subject documents would not cause any prejudice to the other side. The Court below ought not have dismissed the subject Interlocutory Applications and ultimately, prayed to set aside the impugned orders and allow the subject Interlocutory Applications, as prayed for.

4. Learned counsel for the respondent/plaintiff would contend that the payments reflected in the bank statement of the petitioner/defendant and counterfoils, filed along with I.A.No.282 of 2019, were already accounted. There is also specific admission of the same in paragraph No.6 of the counter filed by

the respondent/plaintiff in I.A.No.282 of 2019. When there is an admission, there is no need to receive the subject documents. The subject Interlocutory Applications were filed to delay the proceedings in the Suit and ultimately, prayed to dismiss the revision petitions.

5. Admittedly, the payments made as per the counterfoils as well as the bank statement of the petitioner/defendant are accounted in the Suit proceedings. There is also specific admission of the same in paragraph No.6 of the counter filed by the respondent/plaintiff in I.A.No.282 of 2019.

6. Under these circumstances, there is no necessity to recall DW.1 and mark the copies of the subject documents. The Court below having assigned reasons was pleased to dismiss the subject Interlocutory Applications, vide the impugned orders, dated 24.04.2019. There is no perversity in the impugned orders. There is nothing to take a different view. Both the revision petitions are devoid of merit.

7. 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.

December 03, 2019.
MD

Dr. SHAMEEM AKTHER, J