THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.R.P.Nos.2228, 2233 & 2237 of 2019

COMMON ORDER:

Since the facts of the case, issues involved and the parties in these three cases are identical, these three Civil Revision Petitions are being disposed of by this common order.

2. C.R.P.Nos.2228, 2237 and 2233 of 2019 are filed under Article 227 of the Constitution of India, by the petitioners/plaintiffs, challenging the common order, dated 19.07.2019, passed in I.A.Nos.947, 948 and 949 of 2019 respectively in O.S.No.83 of 2012, by the Principal Junior Civil Judge, Medchal, Ranga Reddy District, whereby, the petitions filed by the petitioners/plaintiffs under Order XVIII Rule 17 read with Section 151 of CPC to reopen the suit in O.S.No.83 of 2012, recall P.W.1/2nd plaintiff and to receive documents filed by the petitioners/plaintiffs, were dismissed.

3. Heard the learned counsel for the petitioners/plaintiffs, the learned counsel for the contesting 1st respondent/1st defendant on caveat and perused the record.

4. The learned counsel for the petitioners/plaintiffs would contend that the documents, which are filed along with the subject interlocutory applications, are necessary for adjudication of the *lis*. The petitioners/plaintiffs have properly explained the delay caused in filing the said documents. In spite of the same, the Court below erroneously dismissed the

subject interlocutory applications and ultimately prayed to allow all the Civil Revision Petitions.

5. On the other hand, the learned counsel for the contesting 1st respondent/1st defendant on caveat would contend that there is no mention in the affidavit filed in support of the subject interlocutory applications to substantiate that there was justifiable cause for delay in filing the documents. The documents sought to be received are not relevant for determination of the subject dispute. The Court below, having examined the matter, rightly dismissed the subject interlocutory applications. There is no infirmity in the common order under challenge and ultimately prayed to dismiss the Civil Revision Petitions.

6. O.S.No.83 of 2012 is filed by the petitioners/plaintiffs before the Junior Civil Judge, Medchal, Ranga Reddy District, to declare the judgment and decree, dated 18.02.2012, passed in O.S.No.110 of 2009, by the Junior Civil Judge, Medchal, Ranga Reddy District, as null and void and not binding on the petitioners/plaintiffs. The said decree was for specific performance in favour of the 1st respondent herein/1st defendant. E.P.No.3 of 2013 was also filed to execute the decree passed in O.S.No.110 of 2009. It is relevant to state that the subject suit in O.S.No.83 of 2012 was filed in the year 2012. Thereafter, both the parties have adduced evidence. At the fag end of the trial, the petitioners/plaintiffs have come up with certified copies of documents. Those documents are

the copies of revenue records. It is pertinent to state that in the affidavit filed in support of the subject interlocutory applications, there is no mention explaining the delay caused or the reason for not filing the said documents along with the suit. Furthermore, there is no mention of relevancy of those documents in the subject suit. It is also evident from record that if the said documents are not received by the Court below in O.S.No.83 of 2012, no prejudice would be caused to the petitioners/plaintiffs. The Court below had appreciated all the facts and circumstances of the case and rightly exercised its jurisdiction in passing the impugned common order. No infirmity or illegality is found in the impugned common order. All these Civil Revision Petitions are devoid of merit and are liable to be dismissed.

7. Accordingly, these three 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.

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Dr. SHAMEEM AKTHER, J

24th September, 2019
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