

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CIVIL REVISION PETITION Nos.2250 AND 2252 OF 2019

COMMON ORDER:

Since the subject matter of both the Civil Revision Petitions is one and the same, they are being heard and disposed of together.

2. These civil revision petitions, under Article 227 of the Constitution of India, are filed by the petitioner aggrieved by the orders dated 10.04.2019 passed in I.A.No.1644 of 2019 in Election O.P.No.604 of 2016 and in I.A.No.1641 of 2019 in Election O.P.No.501 of 2016 by the Chief Judge, City Civil Court, Hyderabad, whereby, the subject applications filed by the revision petitioner to grant leave and receive the document dated 30.10.2018 in R.C.No.MRD/NH/2018 issued by the Superintendent, Niloufer Hospital, Hyderabad, were dismissed.

3. Heard learned counsel for the revision petitioner, learned counsel for respondent No.1 in both the revision petitions and perused the record.

4. Learned counsel for the revision petitioner would contend that since the document in question dated 30.10.2018 was misplaced due to construction of their house, it was not filed before the Court in time. There are no laches on the part of the revision petitioner and the matter has been pursued with due diligence. Election O.Ps. were filed seeking to declare the election of the revision petitioner as Member to Ward No.101, Erragadda Division, Jubilee Hills Constituency as null and void.

In the said Election O.Ps., it is alleged that the revision petitioner is having nine children as on the date of filing of her nomination. Since it is the crux of the matter, the Court below ought to have received the subject document. The Court below has erroneously dismissed the applications and ultimately, prayed to set aside the impugned orders and allow the civil revision petitions as prayed for.

5. On the other hand, learned counsel for respondent No.1 would submit that the details of the children of the revision petitioner were given in the Election O.Ps. There was lot of time to rebut the same. There is no mention in the counter with regard to the subject document. A false story is invented and the subject document is pressed into service to delay and protract the proceedings. It is further stated that the arguments were heard in the Election O.Ps. and posted for orders twice. Even then, the revision petitioner has filed the applications one after the other to delay the matter. It is also submitted that the revision petitioner filed several applications in relation to the disputed election. However, two civil revision petitions, which were filed at the first instance, were not pressed. Thereafter, the revision petitioner filed the present Civil Revision Petitions to delay the result of the Election O.Ps. The Election O.Ps. are required to be disposed of expeditiously. It is contended that there are no merits in the revision petitions and ultimately prayed to dismiss the revision petitions.

6. In view of the submissions made by both sides, the point for determination is,

“Whether the subject document dated 30.10.2018 can be received in evidence as prayed for?”

7. POINT :- Admittedly, there are averments in the Election O.Ps. with regard to the number of children of the revision petitioner. From the day one, the revision petitioner has opportunity to rebut the same. Admittedly, two civil revision petitions were filed relating to the receipt of birth certificates of children and ultimately, they were not pressed. There is no denial by the revision petitioner that the arguments in the Election O.Ps. were heard and posted for orders twice. Though the revision petitioner has submitted that the subject document was misplaced during the construction of the house, there is no document to substantiate that she has proceeded with the construction of the house at any point of time. It is needless to say that the Election O.Ps. are required to be disposed of expeditiously. The manner in which the Civil Revision Petitions are filed and ultimately some of them were not pressed would demonstrate that the revision petitioner is making all efforts to delay the disposal of the Election O.Ps. The findings recorded by the Court below are based on the material on record. There is no perversity or illegality in the impugned orders. The civil revision petitions are devoid of merits and are liable to be dismissed.

8. In the result, the Civil Revision Petitions are dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 29.11.2019
ssp

