

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.R.P.Nos.2378, 2379 AND 2381 OF 2019

COMMON ORDER:

These three Civil Revision Petitions arise out of the orders passed in the Interlocutory Applications in the same Suit between the same parties and hence, they are being disposed of by this common order.

2. These Civil Revision Petitions, under Article 227 of the Constitution of India, are filed by the revision petitioner/plaintiff aggrieved by the orders, dated 20.09.2019, passed in I.A.Nos.11, 12 and 13 of 2019 in O.S.No.24 of 2013 by the Special Sessions Judge for Fast Tracking the Cases Relating to Atrocities against Woman – cum – VIII Additional District Judge, Khammam, wherein the Court below has dismissed the subject applications, which were filed to reopen the revision petitioner/plaintiff's evidence (I.A.No.11 of 2019); to recall PW.1 for the purpose of further chief examination and marking of documents (I.A.No.12 of 2019); and to receive the documents annexed to I.A.No.13 of 2019 and mark them as exhibits in favour of the revision petitioner/plaintiff by condoning the delay, if any.

3. Heard learned counsel for the revision petitioner/plaintiff and perused the record.

4. Learned counsel for the revision petitioner/plaintiff would submit that the subject documents i.e., certified copies of

registered sale deeds bearing Nos.5049 and 5050 of 2012, are necessary for determination of the subject Suit. An opportunity is required to be given to the revision petitioner/plaintiff to mark the subject documents. The Court below had erroneously dismissed the subject applications and ultimately, prayed to set aside the impugned orders and allow the subject applications, as prayed for.

5. The subject sale deeds, which are proposed to be marked, deal with the alienation made by the father of the revision petitioner/plaintiff. It is contended that the sale proceeds with regard to the aforementioned sale deeds were in the hands of the revision petitioner/plaintiff and he is ready and willing to pay the same to the respondent/defendant towards balance sale consideration. It is relevant to state that there is no specific mention in the plaint with regard to the flow of sale consideration set up by the revision petitioner/plaintiff. When the subject Suit was posted for arguments, the subject applications were filed. The affidavits filed in support of the subject applications do not reveal any justifiable cause for not incorporating about the availability of sale consideration in plaint averments. Further, there is no explanation as to why the revision petitioner/plaintiff had come up with the subject documents at the fag end of the trial of the subject Suit. The subject applications are filed belatedly. The Court below is justified in passing the impugned orders. There is no perversity in the impugned orders. The

Civil Revision Petitions are devoid of merit and are liable to be dismissed.

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.

December 09, 2019.
MD

Dr. SHAMEEM AKTHER, J

