

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.7293 of 2018

ORDER:

This Revision is filed challenging the order dt.05-09-2018 in I.A.No.340 of 2018 in O.S.No.100 of 2011 of the II Additional District Judge, Fast Track Court at Sangareddy.

2. The petitioner herein is 8th defendant in the suit.
3. Respondent Nos.1 to 5 filed the said suit against the mother of petitioner and her brothers for partition and separate possession.
4. Petitioner was subsequently impleaded as 8th defendant on 10-01-2018 and she also filed written statement.
5. When the matter was posted for her evidence on 21-07-2018, petitioner did not attend allegedly because she was unwell and her counsel also did not attend since he was busy with Bar Council elections and so the evidence of petitioner was closed on 21-07-2018.
6. On 21-08-2018, petitioner filed I.A.340 of 2018 to reopen her evidence and permit her to give evidence.
7. The Court below simply dismissed the same stating that there are no valid grounds to reopen the case.
8. Challenging the same, this Revision is filed.

9. A reading of the impugned order shows that there are no reasons assigned in the said order why application of the petitioner does not deserve consideration. According to petitioner, petitioner was unwell and did not attend the Court on 21-07-2018 and her counsel was held up in Bar Council elections. When the application to reopen her evidence, which was closed on 21-07-2018, was filed on 21-08-2018 itself, the Court below should have afforded one more opportunity to the petitioner to adduce evidence instead of rejecting I.A.No.340 of 2018 without assigning any reasons.

10. Since the learned counsel for respondent Nos.1 to 5 states that earlier opportunities given were not availed of, petitioner is directed to pay costs of Rs.200/- each to respondent Nos.1 to 5 within two (02) weeks from the date of receipt of copy of this order; and shall adduce evidence in the Court of II Additional District Judge, Fast Track Court at Sangareddy in O.S.No.100 of 2011 on its file on 10-04-2019 without fail. If not, this Civil Revision Petition shall stand dismissed.

11. This Civil Revision Petition is allowed with the above directions. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-03-2019

Note :- Issue C.C. in three (03) days.

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