

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION NOs.7331 AND 7393 OF 2018

COMMON ORDER:

Heard Sri Y.S. Yella Nand Gupta, learned counsel for the petitioners. None appears for the respondents, though notices were served on the respondents. Petitioners herein are plaintiffs in O.S. No.43 of 2013 on the file of VIII Additional District & Sessions Judge at Medak.

They filed the said suit against the respondents for declaration of title, perpetual injunction and other reliefs.

The respondents filed the written statement opposing grant of relief to the petitioners.

When the matter was posted for arguments, the petitioners filed I.A. No.657 of 2017 under Order VII Rule 14(3) CPC to receive certified copy of the registered sale deed dated 02.04.2015 said to have been executed by the respondents in favour of third party in respect of 'B' schedule property and also original encumbrance certificate dt. 13.11.2017. They also filed I.A. No.656 of 2017 to reopen the case.

The court below dismissed the two applications along with two other applications taking the view that the petitioners did not state when they came to know about the transaction dated 02.04.2015 entered into by the respondent with the third party.

Assailing the same these Revisions are filed.

Counsel for the petitioners contends that when the respondents suppressed about the said transaction and when the petitioners

brought to the notice of the court about the said transaction, which admittedly occurred after filing of the suit, the court below ought not to have dismissed these two applications.

I agree with the contention of the counsel for the petitioners. When the petitioners came to know about the transaction which is relevant, as the document in question could not have been filed by the petitioners along with the plaint because the document itself came into existence pending suit and the respondent had suppressed about the execution of the said document, the court below ought to have reopened the evidence and permitted the petitioners to mark the two documents which are now sought to be marked in I.A. No.657 of 2017.

Accordingly, the CRPs are allowed. The impugned order in so far as it relates to I.A. No.656 of 2017 and I.A. No.657 of 2017 is set aside and the said I.As are allowed. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

M.S. RAMACHANDRA RAO, J

Date: 03.07.2019

MRKR