

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.1879, 2001

and 2014 of 2019

COMMON ORDER:

These three Civil Revision Petitions arise out of the common order passed in the Interlocutory Applications filed 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 petitioners/plaintiffs, aggrieved by the common order, dated 24.07.2019, passed in I.A.Nos.26, 27 and 24 of 2019 in O.S.No.1 of 2009 by the learned Additional Junior Civil Judge, Ranga Reddy District at Ibrahimpatnam, whereby, the applications filed by the revision petitioners/plaintiffs, to reopen the evidence of the petitioners/plaintiffs, recall P.W.1 and to receive documents filed by the petitioners/plaintiffs, were dismissed.

3. Heard learned counsel for the revision petitioners/plaintiffs, learned counsel for respondent No.1/defendant No.1 and perused the record.

4. Learned counsel for the revision petitioners/plaintiffs would contend that the certified copies of pahanies are relevant for the purpose of the subject suit, which is filed for declaration of ownership and recovery of possession and for rectification of records of rights in respect of suit schedule lands. The certified copies of pahanies reveal the names of the petitioners as

pattadars and possessors. Those documents relate to the years prior to the filing of the suit in the year 2009. Before filing of the suit, an application was filed before the Tahsildar concerned to furnish the documents. *Vide* memo dated 26.05.2009, those copies were not furnished on the ground that the records were not available. Further, the certified copies of the orders in File No.B/4037/90 were also not furnished stating that the file was assigned to Ibrahimpatnam Bagayath Village. Therefore, they could not be filed at the time of filing of the suit. After filing of the suit, the file relating to the original pahanies were traced and certified copies were issued in favour of the revision petitioners/plaintiffs. Those documents are necessary for determination of the suit. Under these circumstances, the Court below ought to have considered the request made by the revision petitioners/plaintiffs and received the documents. However, the Court below erroneously dismissed the subject applications and ultimately prayed to set aside the impugned common order and allow the civil revision petitions are prayed for.

5. On the other hand, learned counsel for respondent No.1/defendant No.1 would submit that the certified copies are not relevant for the purpose of determination of the suit. They are pressed into service belatedly. The Court below is justified in dismissing the applications since the revision petitioners/plaintiffs are trying to protract the litigation and ultimately prayed to dismiss the revision petition.

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

“Whether the common order, dated 24.07.2019, passed in I.A.Nos.26, 27 and 24 of 2019 in O.S.No.1 of 2009 by the learned Additional Junior Civil Judge, Ranga Reddy District at Ibrahimpatnam, is liable to be set aside?”

7. A perusal of the memo, dated 26.05.2009 reveals that the revision petitioners have applied for the certified copies of pahanies in respect of the lands covered by Sy.Nos.380 and 381 vide File No.149 of 2009 and the certified copies were not furnished stating that the record was not available. The revision petitioners filed an application to get the certified copies of the orders in File No.B/4037/90. It was also not provided stating that, on verification of Inward register, it was assigned to Ibrahimpatnam Bagayath Village.

8. Admittedly, the certified copies of the proposed documents were not issued to the revision petitioners before filing of the suit. The certified copies reveal that they were obtained on 01.05.2019 and reflect the name of the father of the petitioner as Kondaiah. The subject suit is filed for declaration of ownership and recovery of possession and for rectification of records of rights in respect of suit schedule lands. The revision petitioners are claiming the suit schedule property on the demise of their father, late Kondaiah, whose name is recorded in the certified copies of the proposed documents in respect of the suit schedule property. So, they are relevant for determination of

the suit. Though the application was filed belatedly, genuine reasons are explained on behalf of the revision petitioners in not obtaining the certified copies of those documents. Since the proposed documents are necessary for effective adjudication of the subject matter of the suit, the Court below ought to have accorded permission to file those documents. Under these circumstances, the impugned common order is liable to be set aside granting leave to the revision petitioners to file proposed documents, which are relevant for the purpose of determination of the suit. Consequently, the revision petitioners/plaintiffs are entitled to reopen their evidence and recall P.W.1 for marking of the documents in question.

9. Subject to the above directions and observations, the Civil Revision Petition Nos.1879, 2001 and 2014 of 2019 are allowed setting aside the common order dated 24.07.2019, passed in I.A.Nos.26, 27 and 24 of 2019 in O.S.No.1 of 2009 by the learned Additional Junior Civil Judge, Ranga Reddy District at Ibrahimpatnam. Consequently, I.A.Nos.26, 27 and 24 of 2019 are allowed as prayed for. However, the Court below shall not take into consideration any of the observations made in these civil revision petitions while determining the *lis* in the subject suit. No order as to costs.

Miscellaneous petitions, if any, pending in these Civil Revision Petitions, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 20.02.2020
ssp