

HONOURABLE JUSTICE G.SRI DEVI

CIVIL REVISION PTITION Nos. 1310, 1312 and 1319 of 2022

COMMON ORDER:

All these revision petitions are arising out of the same suit proceedings and between the same parties. Therefore, they are heard together and being disposed of by this common order at the stage of admission.

The petitioner in all these revisions is the plaintiff and the respondents herein are the defendants in O.S. No. 224 of 2012 on the file of the Court of the II Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, Warangal (for short, trial Court). Hereinafter, for the purpose of convenience, they shall be referred to as plaintiff and defendants.

The plaintiff instituted the said suit seeking perpetual injunction against the defendants. The defendants contested the suit. After closure of evidence, when the suit was at the stage of arguments, the plaintiff filed I.A. Nos.137 of 2022, 138 of 2022 & 139 of 2022 to reopen the case for the purpose of marking the documents on her behalf; to recall P.W.1 for the purpose of marking of documents; and to receive the certified copy of the judgment and decree rendered in O.S. No. 555 of 2010 on the file

of VII Additional Junior Civil Judge at Warangal, respectively. By separate orders, dated 21.04.2022, the trial Court dismissed all the three applications mainly on the ground that the defendants herein are not parties to the said suit and the said judgment is under challenge in A.S. No. 7 of 2022 on the file of the IV Additional District Judge, Warangal. Hence, the plaintiff is before this Court by way of the present civil revision petitions.

Heard the learned counsel for the petitioner and the learned counsel for the respondents. Perused the material available on record.

Admittedly, the suit filed by the petitioner is for perpetual injunction in respect of the suit schedule property. The suit is coming up for arguments. It is the case of the plaintiff that even before institution of the present suit, in the year 2010 she, along with her daughter, in respect of the very same suit schedule property, filed a suit in O.S. No. 555 of 2010 against the defendants therein. Pending the present suit, the said suit i.e., O.S. No. 555 of 2010 has been decreed by VII Additional Junior Civil Judge, Warangal on 06.01.2022 in their favour. Immediately, they have obtained certified copy of the judgment and decree therein and filed the impugned applications for

reception of the judgment and decree in the present suit, as the same will prove their possession in respect of the suit schedule property. It is contended that if the said documents are not received and marked by reopening the case and by recalling P.W.1, the plaintiff will be put to irreparable loss.

On the other hand, it is contended by the learned counsel for the respondents-defendants that the trial Court has rightly dismissed the impugned applications as the defendants herein are not parties to the said suit and therefore, the judgment and decree passed in O.S. No. 555 of 2010 is not relevant and binding on the parties for the purpose of deciding the present suit. It is contended that the suit is of the year 2012 and the applications are filed only to drag on the proceedings. That apart, the said suit is a collusive one between the plaintiffs and defendants therein.

It is not denied or disputed by the defendants that the subject property in both the suits is one and the same. Furthermore, the said suit was decreed only 06.01.2022 and the plaintiff has immediately filed the impugned applications without any delay. Therefore, the trial Court was not right in concluding that only to drag on the proceedings, the plaintiff has filed the impugned applications. The marking of the said

judgment and decree by the plaintiff is only for the limited purpose and if the said applications are allowed, no prejudice would be caused to the defendants, as the relevancy and other aspects such as binding of the said judgment on the present defendants shall be gone into at the appropriate stage. Hence, this Court is inclined to allow the impugned applications by setting aside the impugned orders.

In the result, all the revisions are allowed by setting aside the orders, dated 21.04.2022 in I.A.Nos.137, 138 and 139 of 2022 in O.S. No. 224 of 2012 on the file of the Court of the II Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, Warangal. Consequently, I.A.Nos. 137, 138 & 139 of 2022 shall stand allowed. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

JUSTICE G.SRI DEVI

15-07-2022

tsr

HONOURABLE JUSTICE G.SRI DEVI

CIVIL REVISION PETITION Nos. 1310, 1312 & 1319 of 2022

DATE: 15-07-2022