
(2022) 03 TEL CK 0092
In the Telangana High Court
Case No : Civil Revision Petition No. 660 Of 2022

B. Anitha	Vs	APPELLANT
B. Kavitha		RESPONDENT

Date of Decision : 31-03-2022

Acts Referred:

Constitution Of India, 1950 — Article 227
Code Of Civil Procedure, 1908 — Section 151

Citation : (2022) 03 TEL CK 0092

Hon'ble Judges : A.Venkateshwara Reddy, J

Bench : Single Bench

Advocate : Bommineni Vivekananda, N Praveen Reddy

Final Decision : Allowed

Judgement

1. This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 07.03.2022 passed in I.A.No.587 of 2021 in O.S.No.1232 of 2008 on the file of the learned X Additional District Judge (FTC), Ranga Reddy District at L.B.Nagar.

2. I.A.No.587 of 2020 is filed under Section 151 of CPC with a prayer to reopen the evidence of defendant Nos.9 to 11 in the Original Suit enabling them to produce their evidence. That application was dismissed by the trial Court with details and sound reasoning stating that earlier I.A.Nos194 of 2019, 195 of 2019, 196 of 2019, 197 of 2019 and 198 of 2019 were filed and they were dismissed by that Court. The suit was adjourned to 06.12.2021 for the evidence of defendant Nos.9 to 11. There was no representation on their behalf on that day. Thereby their evidence was closed. Trial Court finally concluded that there are no justifiable or bonafide grounds to re-open the matter as the suit is being adjourned for arguments after closing the evidence of both sides.

3. Heard learned counsel for revision petitioners and learned counsel for respondent Nos.1 and 4. It is submitted by the learned counsel for respondent

No.4 that the interest of respondent Nos.2 and 3 is transferred in favour of respondent No.4. The other respondents are the other defendants in the suit whereas, the revision petitioners are the defendant Nos.9 to 11. Original suit is filed in the year 2008 for cancellation of sale deed bearing document No.1075 of 1994 dated 16.02.1994 and for recovery of possession and also to declare that the plaintiff Nos.1 to 3 are the pattedars and to restore their possession. In that suit, after completion of pleadings, issues were settled on 25.06.2013 as per the case status information and ever since then the suit was adjourned for trial. Finally on 08.10.2014 it was listed for cross-examination of plaintiff evidence and as per the case status information, it was adjourned under the caption 'for arguments' on 18.04.2016 and 07.06.2016 and thereafter again it was adjourned under the caption for further evidence. Though the matter was adjourned several times for defendants' evidence, it appears that the revision petitioners herein, who are the defendant Nos.9 to 11 failed to adduce their evidence and interlocutory applications filed by them, for recording their evidence through their General Power of Attorney holder as indicated above were dismissed and finally on 06.12.2021 they failed to adduce their evidence and the evidence was closed and the suit was adjourned for arguments.

4. Having regard to the nature of the suit and the pleadings of the defendant Nos.9 to 11 in their written statement, as the rights of the parties in respect of immovable property are involved, for fair play, it is felt essential to give one more opportunity to the defendant Nos.9 to 11 though they are not prudent and causing obstruction in the trial proceedings in the original suit but on heavy terms and conditions to adduce their evidence considering the fact that the evidence affidavit of defendant No.11 is already filed, which is found at page No.99 of paper book.

5. In the result, the CRP is allowed, order impugned in I.A.No.587 of 2021 dated 07.03.2022 is set-aside subject to petitioners paying cost of Rs.20,000/-(Rupees twenty thousand only) to the plaintiffs by 04.04.2022 and adducing their evidence without seeking any further adjournments. The trial Court is directed to permit the defendant Nos.9 to 11 to adduce their evidence on day to day basis by advancing the matter from 22.04.2022 and see that the original suit is disposed of after recording the evidence of defendant Nos.9 to 11 within two months from this day.

6. Miscellaneous petitions, if any, pending, in this CRP, shall stand closed.