

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

CIVIL REVISION PETITION Nos. 4020, 4127 and 4237 of 2009

COMMON ORDER:

The respondent filed O.S.No.42 of 2002 in the Court of the Senior Civil Judge, Vikarabad for the relief of declaration of title, recovery of possession and correction of entries in the revenue records in respect of the suit schedule property, against the petitioners. The trial of the suit commenced. The evidence was recorded and arguments on behalf of the respondent are said to have been addressed. At that stage, the petitioners filed three applications, namely I.A.Nos. 957, 958 and 959 of 2009 with a prayer to reopen the case, recall D.W.2 and permit them to mark certain documents. The applications were opposed by the respondent. Through a common order, dated 13.08.2009, the trial Court dismissed the applications. Hence, these three revisions.

Heard Sri N.Ashok Kumar, learned counsel for the petitioners and Sri N.Vasudeva Reddy, learned counsel for the respondent.

The petitioners contested the suit filed by the respondent and submitted their written statement. Issues were framed and oral and documentary evidence was adduced by the parties. Almost at the final stage, the petitioners intended to bring on record three documents, namely, caveat said to have been filed by the respondent in a civil suit, memorandum of grounds filed by her before the Revenue Divisional Officer, Vikarabad and sale deed executed by her in the year 2007. Out of them, the first two documents are said to have been filed along with the written statement. The petitioners did not take steps to mark those

documents during the course of trial. Obviously, taking into account the rigor of the amendment caused to Order 18 Rule 17 C.P.C. and the stage of the proceedings, the trial Court dismissed the applications.

All the same, since the two documents, namely caveat and memorandum of grounds, were filed along with the written statement, they can be made part of record without the necessity of reopening the evidence. So far as the sale deed is concerned, it cannot be received in evidence, since it has been executed by the respondent subsequent to the filing of the suit. Further, it is in respect of a different property. To avoid further delay in the proceedings, this Court is of the view that the two documents, namely caveat and memorandum of grounds, be treated as having been marked without the aid of any oral evidence and the trial Court shall proceed to hear the arguments of the petitioners herein.

The civil revision petitions are accordingly allowed in part, directing that the two documents, namely caveat filed before a civil Court and memorandum of grounds said to have been filed by the respondent before the Revenue Divisional Officer, Vikarabad, be treated as having been marked, in case the originals thereof are already on record, without the necessity of any further oral evidence. The trial Court shall proceed with the suit and dispose of the same, as early as possible. There shall be no order as to costs.

L.NARASIMHA

REDDY,J

Dt:08.09.2009

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