

**THE HON'BLE SRI JUSTICE A.V.SESHA SAI**

**AND**

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**CIVIL REVISION PETITION Nos.2225 of 2019, 2278 of 2019, 2333 of 2019, 2334 of 2019, 2338 of 2019, 2345 of 2019, 2346 of 2019, 2350 of 2019, 2356 of 2019, 2399 of 2019, 2402 of 2019 AND 2421 of 2019**

**COMMON ORDER:** *(per the Hon'ble Sri Justice A.V.Sesha Sai)*

Since all these Civil Revision Petitions are inter-related, arising out of similar suits and as the parties are also the same, this Court deems it appropriate to dispose of these Revisions by way of a Common Order.

2. Initially, one Sri I.S.N.Raju, S/o.late Bangarraju and I.S.N. Infrastructures (Private) Limited, a Company incorporated under the Companies Act, 1956, instituted Suits bearing O.S.Nos.126 to 129 of 2007 on the file of the Court of the I Additional District Judge, Visakhapatnam, for recovery of money against the respondents herein. The said suits were transferred to the Court of the VII Additional District Judge(FTC), Visakhapatnam, on 24.07.2017 under the orders of the learned Principal District Judge, Visakhapatnam, and subsequently, transferred to the Court of the Principal District Judge, Visakhapatnam, on 31.01.2018 and renumbered as C.O.S.Nos.6 to 9 of 2018 as the disputes are commercial disputes. After the establishment of the designated Courts for trial and disposal of commercial disputes, the said suits stood transferred to the Special Judge for trial and disposal of Commercial Disputes, Visakhapatnam on 23.03.2019. After conclusion of the trial, when the suits stood posted for arguments, the present applications came to be filed by the petitioners herein under Section 151 of C.P.C., Order XVIII Rule 17 of C.P.C., and

Order VII Rule 14(3) of C.P.C., to reopen the suits, to recall P.W.1 and to grant leave, to file the respective documents enclosed therewith. The Defendants/State Government authorities resisted the said applications by way of filing counters. The learned Special Judge, Commercial Court, Visakhapatnam, by way of the orders impugned in these revisions, dismissed the said applications. Hence, these Revision Petitions are filed under Article 227 of the Constitution of India.

3. Heard, Sri M.Chalapathi Rao, learned counsel for the petitioners, and the learned Government Pleader for Arbitration for the respondents, apart from perusing the material available on record.

4. The contentions/submissions of Sri M.Chalapathi Rao are:

- 1) The questioned orders are highly erroneous, contrary to law and opposed to the very spirit and object of the provisions of the Code of Civil Procedure, 1908 and the Commercial Courts Act, 2015;
- 2) The learned Judge ought to have allowed the applications filed by the petitioners herein, having regard to the reasons assigned in the affidavit filed in support of the applications;
- 3) The Court below ought to have seen that there is no willful delay or negligence on the part of the petitioners in filing the present applications;
- 4) The petitioners herein may be given one more opportunity to prove their case.

In support of his submissions and contentions, the learned counsel for the petitioners placed reliance on the judgment of the

Hon'ble Apex Court in ***Robin Thapa Vs. Rohit Dora***<sup>1</sup> and Division Bench Judgment of the High Court of Gujarath at Ahmedabad in ***State of Gujarat Vs. Union of India***<sup>2</sup> (R/Special Civil Application No.737 of 2018, dated 07.05.2018) .

5. The contentions/submissions of the learned Government Pleader, are:

1) there is no error nor there exists any infirmity in the impugned orders, and in the absence of the same, the questioned orders are not amenable for judicial review under Article 227 of the Constitution of India;

2) the provisions of the Code of Civil Procedure, 1908 as mentioned in the applications, are not applicable, and having regard to the procedure in the Commercial Courts Act, 2015, the applications are not maintainable;

3) since the petitioners were earlier afforded the similar opportunity in the year 2015, they are not now entitled to the reliefs once again, and that there should be finality for the issues in the main suits expeditiously, having regard to the object of the Commercial Courts Act, 2015;

4) the reasons assigned in the supporting affidavits are neither sustainable nor tenable, in view of the language in the Commercial Courts Act, 2015 and the amendments to the Code of Civil Procedure, 1908, under Section 16 of the Act;

5) there is no sufficient explanation offered by the petitioners in the affidavits filed in support of the applications for abnormal delay in filing the said applications;

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<sup>1</sup> (2019) 7 SCC 259

<sup>2</sup> MANU/GJ/0870/2018

6) the intention of the petitioners is to prolong the issue to maximum possible extent of time.

6. The Learned Government Pleader submits that since all the documents now sought to be produced before the Court, pertain to the period prior to institution of these suits, the petitioners herein should have filed all the documents along with plaint.

7. In support of the submissions and contentions, the learned Government Pleader placed reliance on the Order of the High Court for the State of Telangana in ***A.Rama Mohan Reddy and others Vs. A.Vijaya Kumar and another***<sup>3</sup>.

8. In the above background, now, the issue that emerges for consideration of this Court is:

“Whether the orders passed by the Court below, which are impugned in the present revisions, are sustainable and tenable, and whether the questioned orders warrant any interference of this Court under Article 227 of the Constitution of India.”

9. There is absolutely no controversy with regard to the reality as to the institution of the suits initially in the year 2007, the death of Sri I.S.N.Raju on 30-08-2018, the conclusion of the evidence, the posting of the suits for arguments, and the filing of the present applications when the suits stood posted for arguments.

10. The relevant provision of law, which is ultimately germane and relevant for the purpose of adjudication of the issue in this batch of revisions, is Order XI of the Code of Civil Procedure, 1908 as amended under Section 16 of the Commercial Courts Act, 2015. Rules 1 to 5 of Order XI Code of Civil Procedure, 1908, as amended under Section 16 of the Commercial Courts Act, 2015, read as under:

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<sup>3</sup> 2018(4) HLT 501

**“1. Disclosure and discovery of documents.—**(1) Plaintiff shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint, including:— (a) documents referred to and relied on by the plaintiff in the plaint;

(b) documents relating to any matter in question in the proceedings, in the power, possession, control or custody of the plaintiff, as on the date of filing the plaint, irrespective of whether the same is in support of or adverse to the plaintiff’s case;

(c) nothing in this Rule shall apply to documents produced by plaintiffs and relevant only—

(i) for the cross-examination of the defendant’s witnesses, or

(ii) in answer to any case set up by the defendant subsequent to the filing of the plaint, or

(iii) handed over to a witness merely to refresh his memory.

(2) The list of documents filed with the plaint shall specify whether the documents in the power, possession, control or custody of the plaintiff are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document, mode of execution, issuance or receipt and line of custody of each document.

(3) The plaint shall contain a declaration on oath from the plaintiff that all documents in the power, possession, control or custody of the plaintiff, pertaining to the facts and circumstances of the proceedings initiated by him have been disclosed and copies thereof annexed with the plaint, and that the plaintiff does not have any other documents in its power, possession, control or custody. *Explanation.—*A declaration on oath under this sub-rule shall be contained in the Statement of Truth as set out in the Appendix.

(4) In case of urgent filings, the plaintiff may seek leave to rely on additional documents, as part of the above declaration on oath and subject to grant of such leave by Court, the plaintiff shall file such additional documents in Court, within thirty days of filing the suit, along with a declaration on oath that the plaintiff has produced all documents in its power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by the plaintiff and that the plaintiff does not have any other documents, in its power, possession, control or custody.

*(5) The plaintiff shall not be allowed to rely on documents, which were in the plaintiff's power, possession, control or custody and not disclosed along with plaint or within the extended period set out above, save and except by leave of Court and such leave shall be granted only upon the plaintiff establishing reasonable cause for non-disclosure along with the plaint.*

*(6) The plaint shall set out details of documents, which the plaintiff believes to be in the power, possession, control or custody of the defendant and which the plaintiff wishes to rely upon and seek leave for production thereof by the said defendant.*

*(7) The defendant shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the written statement or with its counterclaim if any, including—*

*(a) the documents referred to and relied on by the defendant in the written statement;*

*(b) the documents relating to any matter in question in the proceeding in the power, possession, control or custody of the defendant, irrespective of whether the same is in support of or adverse to the defendant's defence;*

*(c) nothing in this Rule shall apply to documents produced by the defendants and relevant only—*

*(i) for the cross-examination of the plaintiff's witnesses,*  
*(ii) in answer to any case set up by the plaintiff subsequent to the filing of the plaint, or*

*(iii) handed over to a witness merely to refresh his memory.*

*(8) The list of documents filed with the written statement or counterclaim shall specify whether the documents, in the power, possession, control or custody of the defendant, are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document being produced by the defendant, mode of execution, issuance or receipt and line of custody of each document;*

*(9) The written statement or counterclaim shall contain a declaration on oath made by the deponent that all documents in the power, possession, control or custody of the defendant, save and except for those set out in sub-rule (7) (c) (iii) pertaining to the facts and circumstances of the proceedings initiated by the plaintiff or in the*

*counterclaim, have been disclosed and copies thereof annexed with the written statement or counterclaim and that the defendant does not have in its power, possession, control or custody, any other documents;*

*(10) Save and except for sub-rule (7) (c) (iii), defendant shall not be allowed to rely on documents, which were in the defendant's power, possession, control or custody and not disclosed along with the written statement or counterclaim, save and except by leave of Court and such leave shall be granted only upon the defendant establishing reasonable cause for non-disclosure along with the written statement or counterclaim;*

*(11) The written statement or counterclaim shall set out details of documents in the power, possession, control or custody of the plaintiff, which the defendant wishes to rely upon and which have not been disclosed with the plaint, and call upon the plaintiff to produce the same;*

*(12) Duty to disclose documents, which have come to the notice of a party, shall continue till disposal of the suit.*

**2. Discovery by interrogatories.**—*(1) In any suit the plaintiff or defendant by leave of the court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer:*

*Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose:*

*Provided further that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.*

*(2) On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the court, and that court shall decide within seven days from the day of filing of the said application, in deciding upon such application, the court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the court shall consider necessary either for disposing fairly of the suit or for saving costs.*

(3) *In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.*

(4) *Interrogatories shall be in the form provided in Form No. 2 in Appendix C to the Code of Civil Procedure, 1908 (5 of 1908), with such variations as circumstances may require.*

(5) *Where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer of other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.*

(6) *Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited bona fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on the ground of privilege or any other ground may be taken in the affidavit in answer.*

(7) *Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous and any application for this purpose may be made within seven days after service of the interrogatories.*

(8) *Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the court may allow.*

(9) *An affidavit in answer to interrogatories shall be in the form provided in Form No. 3 in Appendix C to the Code of Civil Procedure, 1908 (5 of 1908), with such variations as circumstances may require.*

(10) *No exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the court.*

(11) *Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the court for an order requiring him to answer, or*



to answer further, as the case may be, and an order may be made requiring him to answer, or to answer further, either affidavit or by viva voce examination, as the court may direct.

**3. Inspection.**—(1) All parties shall complete inspection of all documents disclosed within thirty days of the date of filing of the written statement or written statement to the counterclaim, whichever is later. The Court may extend this time limit upon application at its discretion, but not beyond thirty days in any event.

(2) Any party to the proceedings may seek directions from the Court, at any stage of the proceedings, for inspection or production of documents by the other party, of which inspection has been refused by such party or documents have not been produced despite issuance of a notice to produce.

(3) Order in such application shall be disposed of within thirty days of filing such application, including filing replies and rejoinders (if permitted by Court) and hearing.

(4) If the above application is allowed, inspection and copies thereof shall be furnished to the party seeking it, within five days of such order.

(5) No party shall be permitted to rely on a document, which it had failed to disclose or of which inspection has not been given, save and except with leave of Court.

(6) The Court may impose exemplary costs against a defaulting party, who wilfully or negligently failed to disclose all documents pertaining to a suit or essential for a decision therein and which are in their power, possession, control or custody or where a Court holds that inspection or copies of any documents had been wrongfully or unreasonably withheld or refused.

**4. Admission and denial of documents.**—(1) Each party shall submit a statement of admissions or denials of all documents disclosed and of which inspection has been completed, within fifteen days of the completion of inspection or any later date as fixed by the Court.

(2) The statement of admissions and denials shall set out explicitly, whether such party was admitting or denying:—

- (a) correctness of contents of a document;
- (b) existence of a document;
- (c) execution of a document;

*(d) issuance or receipt of a document;*

*(e) custody of a document.*

*Explanation.—A statement of admission or denial of the existence of a document made in accordance with sub-rule (2) (b) shall include the admission or denial of the contents of a document.*

*(3) Each party shall set out reasons for denying a document under any of the above grounds and bare and unsupported denials shall not be deemed to be denials of a document and proof of such documents may then be dispensed with at the discretion of the Court.*

*(4) Any party may however submit bare denials for third party documents of which the party denying does not have any personal knowledge of, and to which the party denying is not a party to in any manner whatsoever.*

*(5) An Affidavit in support of the statement of admissions and denials shall be filed confirming the correctness of the contents of the statement.*

*(6) In the event that the Court holds that any party has unduly refused to admit a document under any of the above criteria,—costs (including exemplary costs) for deciding on admissibility of a document may be imposed by the Court on such party.*

*(7) The Court may pass orders with respect to admitted documents including for waiver of further proof thereon or rejection of any documents.*

**5. Production of documents.**—*(1) Any party to a proceeding may seek or the Court may order, at any time during the pendency of any suit, production by any party or person, of such documents in the possession or power of such party or person, relating to any matter in question in such suit.*

*(2) Notice to produce such document shall be issued in the Form provided in Form No. 7 in Appendix C to the Code of Civil Procedure, 1908 (5 of 1908).*

*(3) Any party or person to whom such notice to produce is issued shall be given not less than seven days and not more than fifteen days to produce such document or to answer to their inability to produce such document.*

*(4) The Court may draw an adverse inference against a party refusing to produce such document after issuance of a notice to produce and where sufficient reasons for such non-production are not given and order costs.”*

11. From a reading of the above said provisions of law, it is very much manifest that it is obligatory on the part of the plaintiff/plaintiffs to file list of all the documents and their photostat copies, along with the plaint. Rule 5 of Order XI is a slight departure to such course of action, and it is very much evident from a reading of the said provision that it enables the party to file documents at a later point of time only with the leave of the Court. It is true that the said leave cannot be construed as automatic or routine, and on the other hand, it mandates the person/persons applying for leave, to offer sufficient explanation as regards existence of the sufficient cause for non filing of the documents at the relevant point of time as per Rule 1 of Order XI.

12. Admittedly, in the instant cases, after conclusion of the evidence of D.W.1, and when the suits stood posted for arguments on 18.06.2019 after undergoing adjournments from 06.06.2019, the instant applications came to be filed. Undoubtedly, the suits are in advanced stage. The reasons assigned by the petitioners in the affidavits filed in support of the applications are that while the deponent and his senior counsel and his associates began to consolidate the entire record including depositions and exhibits marked on either side, from time to time, it has since been realized with regret and shock that by mistake and oversight and due to inadvertence and in-attentiveness arising from the prolonged illness of his father-in-law for years together, certain crucial documents having a material bearing on the issues involved, were not filed into the Court. It was also stated that after thorough search, they could lay their hands and could retrieve some of the documents.

13. In fact, resisting the said applications, counters were filed by the defendants *inter-alia* stating that the petitions were highly belated and not maintainable at the stage of arguments. In the said counters, defendants also stated that the reasons assigned in the affidavits filed in support of the applications are neither true nor tenable. As rightly pointed out by the learned Government Pleader for Arbitration representing the respondents, the reasons shown in the supporting affidavits are not sufficiently reasonable. But having regard to the nature of controversy and substantial rights involved, and in order to have finality for all the issues on merits, this Court deems it appropriate to give one opportunity to the petitioners herein.

14. Having regard to the provisions of Order XI of the Code of Civil Procedure, 1908 as amended as per Section 16 of the Commercial Courts Act, 2015, the judgments cited by learned Government Pleader would not render any assistance to the case of the respondents.

15. In this context, it may be appropriate to refer the Judgment of Hon'ble Apex Court in **Robin Thapa (1 Supra)**. In the said Judgment, the Hon'ble Supreme Court, while dealing with an application under Order IX Rule 13, held in paragraphs 7 and 12 as under:

*“7. Ordinarily, a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits.*

*12. The matter arises from a suit for specific performance. It may be true that there is a case for the respondent that the appellant has actually let out the building on rent. The appellant's case is that this is the appellant's residential house and the matter is a loan transaction. Specific relief is undoubtedly a discretionary relief. Appellant has*

*submitted that the appellant is prepared to deposit the entire amount spent by the respondent towards getting sale deed executed. We would think that the interest of justice demands that subject to putting the appellant on terms, an opportunity should be given to the appellant to contest the case and the case must be directed to be disposed of within the time limit.”*

16. The Division Bench of the High Court of Gujarat, Ahmedabad, in the case of **State of Gujarat Vs. Union of India**<sup>4</sup> held in paragraph 14 as under:

*Now so far as the legality and validity of the impugned order passed by the learned Commercial Court is concerned, from the impugned order, it appears that the learned Commercial Court has rejected the application submitted by the original plaintiffs to produce certain documents vide list Ex.72 merely on the ground that those documents were not produced along with the suit and that Order VII Rule 14(3) of the CPC shall not be applicable to the Commercial Court proceedings under the Commercial Courts Act. The same is also refused on the ground of delay. It is true that provisions of Order VII Rule 14(3) of the CPC shall not be applicable to the Commercial Court disputes and the proceedings under the Commercial Courts Act. However, at the same time, Order XI Rule 1(5) of the CPC applicable to the commercial dispute shall be applicable. Order XI Rule 1(5) is as under:*

*“1. Disclosure and discovery of documents.*

*(1) .....*

*(5) The plaintiff shall not be allowed to rely on documents, which were in the plaintiff's power, possession, control or custody and not disclosed along with plaint or within the extended period set out above, save and except by leave of Court and such leave shall be granted only upon the plaintiff establishing reasonable cause for non-disclosure along with plaint.”*

*Thus, by leave of the Court and subject to compliance of the conditions mentioned under Order XI Rule 1 (5) of the CPC(applicable to the Commercial Courts Act), the plaintiff can be permitted to rely upon the documents not disclosed along with the plaint. In the present case, the most important document which is sought to be produced is the Government Notification/Government record being more than 40 years old. The documents which were sought to be produced are as under:-*

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<sup>4</sup> MANU/GJ/0870/2018

*“1. Copy of Notification dated 26.09.1956 issued by Shri B.D.Mirchandani, Secretary to Government vide No.MNB.5756(vii).*

*2. A Memorandum No.WTR-1058/7072(P) issued by Shri D.R.Shankara Iyer, Under Secretary to the Government of Gujarat, Public Works Department on 08.12.1961.*

*3. Letter issued by Executive Engineer, Baroda Irrigation Circle, Baroda to the Chief Engineer, Public Works Department(Irrigation), vide No.PB/PTD/9 21 of 1961 dated 21.12.1961 together with above notification vide No.2.*

*4.Letter dated 11.02.1971 issued by Government of Gujarat, Public Works Department to the General Manager, Gujarat State Cooperative Land Development Bank Ltd., along with name of river notified under Section 5 of the Bombay Irrigation Act.*

*5. A Map showing Kali-1 Dam location jointly prepared by Water Resources Department, Gandhinagar and Department of Science and Technology, Government of Gujarat, Gandhinagar.”*

*The dispute in the suit is whether “Kali river” is a Notified river under Section 5 of the Bombay Irrigation Act, or not. The plaintiffs-State of Gujarat and others have filed the suit against the defendants-Railway authorities, for recovery of an amount of Rs.36,89,79,820/- along with interest @ 18% p.a. for using the water for domestic and non-domestic purposes by the Railway authorities from river “Kali” which according to the plaintiffs, is a notified river under Section 5 of the Bombay Irrigation Act. Even a specific issue is framed, namely, “whether the plaintiffs prove that “Kali river” is a notified river under Section 5 of the Bombay Irrigation Act?” Therefore, the aforesaid documents which are more than 40 years old which are sought to be produced are necessary documents which go the root of the matter and which can clinch the issue, more particularly, the issue, namely, whether the plaintiffs prove that “Kali river” is a notified river under Section 5 of the Bombay Irrigation Act or not. Ultimately, the Court will have to ensure that all documents which assist it to resolve the controversy before it in an efficient manner are available for perusal. Unless the Court comes to a conclusion that the facts are so gross that the only inference that can be drawn from the conduct of the party is that the documents which are sought to be produced are manufactured, the Court should not generally deny leave to produce*

*documents because ultimately, it is always open to the other side to cross examine the party who produces the documents to establish that the said documents are not relevant or that the case based on the said documents is not true. In our opinion and more particularly, considering the documents which are sought to be produced which are Government documents, at this stage, it is not possible to come to a conclusion that the documents sought to be produced are manufactures. However, that does not preclude the defendants, if they so desire, to cross examine the plaintiffs and persuade the Court to hold so. Therefore, in the facts and circumstances of the case, we are of the opinion that if the plaintiffs are not permitted to produce the aforesaid documents, grave injustice is likely to be caused to the plaintiffs. Therefore, we are of the opinion that in the facts and circumstances of the case, the learned Commercial Court has failed to exercise jurisdiction vested in it, more particularly contained in Order XII Rule 1(5) of the imposition of reasonable cost and subject to proving the same in accordance with law, the learned Commercial Court ought to have permitted the plaintiffs to produce the documents sought to be produced vide list Ex.72 and ought not to have allowed the application Ex.71. Therefore, we are of the opinion that in the facts and circumstances of the case, interference of this Court in exercise of powers under Article 227 of the Constitution is called for.*

17. Having regard to the law laid down in the above referred judgments and the reasons mentioned above, this Court, in view of the facts and circumstances of the case, deems it proper to afford an opportunity to the petitioners herein.

18. For the above said reasons, all these Revision Petitions are allowed in the manner indicated below:

1). The orders impugned in all these Revision Petitions are hereby set aside and consequently, the applications filed by the petitioners in the Court below stand allowed, subject to the revision petitioners paying Rs.5,000/- in each petition towards costs, payable within a week.

2). Half of the said amount shall be paid to Sri K.Srinivasarao, learned Assistant Government Pleader and Sri V.Narasayya, attached to the office of the learned Government Pleader for Arbitration and other half shall be paid to the A.P.High Court Advocates' Association.

3). The petitioners shall file the proof of payment of all above costs before the Court below by way of a memo, and after filing the same, the petitioners shall appear before the Court below on 18.10.2019 and the further evidence of P.W.1 shall be completed on the said date and the cross examination shall be conducted on day to day basis and thereafter, the learned Judge shall proceed further.

4). It is also made clear that in the event of non-adherence to any one of the conditions stipulated supra, this order would not render any assistance to petitioners herein.

5). It is further made clear that no further opportunity, except in the manner indicated above, shall be granted to the petitioners to adduce evidence in the subject suits.

6). It is also made clear that marking of documents through P.W.1 shall be subject to the admissibility of the same as per law.

There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Civil Revision Petitions shall stand closed.

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**A.V.SESHA SAI, J**

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**CHEEKATI MANAVENDRANATH ROY, J**



**THE HON'BLE SRI JUSTICE A.V.SESHA SAI  
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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**CIVIL REVISION PETITION Nos.2225, 2278, 2333, 2334, 2338, 2345,  
2346, 2350, 2356, 2399, 2402 AND 2421 of 2019**

**30.09.2019**

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