

**THE HON'BLE DR. JUSTICE K. MANMADHA RAO****C.R.P.Nos.4739 and 4507 of 2015****COMMON ORDER:**

The Revision Petition No.4739 of 2015, under Article 227 of the Constitution of India, is preferred against the order, dated 12.08.2015, in I.A.No. 342 of 2015 in I.A.No.336 of 2007 in O.S.No.157 of 1998 on the file of the Court of the Principal Junior Civil Judge, Adoni, (in short 'the court below') filed under Order VIII, Rule 1 (3) of C.P.C to condone the delay in filing the document i.e Registration copy of Sale Deed dated 27.06.2012.

The Revision Petition No.4507 of 2015, under Article 227 of the Constitution of India, is preferred against the order, dated 12.08.2015, in I.A.No. 341 of 2015 in I.A.No.336 of 2007 in O.S.No.157 of 1998 on the file of the Court of the Principal Junior Civil Judge, Adoni, (in short 'the court below') filed under

2. The petitioners herein have filed an application to pass final decree in terms of preliminary decree. In the said proceedings, the petitioners have filed these applications and contended that the respondents have obtained Pattadar Pass Books and Title Deed from the Tahsildar, Adoni and also obtained certified copy of the sale deed dated 27.06.2012, which are important and if the same is not marked, great prejudice will be caused. The respondents filed counter denying all material

allegations the petitioners are misleading misrepresenting the court to drag the proceedings of the court. The petitioner alleged that he obtained certified copy of the sale deed dated 27.06.2012 and is aware of the properties fell to the share of the respondents in different suits viz., O.S.No. 48 of 1998, O.S.No. 9 of 1999, O.S.No.10 of 1999 and O.S.No. 11 of 1999 regarding the properties of their mother. After passing of the final decrees in the said suits, he sold their property. Therefore the petitioners cannot be permitted to file the documents by condoning the delay. The said documents are no way relates to the suit and requested to dismiss the applications.

3. The court below after hearing on both sides, dismissed the applications, holding that the petitioner is having knowledge about the pattadar pass book and title deed and same was marked by the court below and also given finding to that effect. Therefore, the petitioners are not permitted to receive the documents. Assailing the same, the present Revisions came to be filed.

4. Since the facts and issue involved in all the Civil Revision Petitions are one and the same, I find it expedient to decide these matters by a Common Order.

5. Heard Mr. Butta Vijaya Bhaskar, learned counsel for the petitioners and Mr. V. Mallik, learned counsel for the respondents.

6. During hearing learned counsel for the petitioners would mainly contend that the court below erred in dismissing the application seeking to condone the delay in filing the documents, which are important and crucial to substantiate the case of the petitioners. No prejudice will be caused to the respondents in the event of allowing the applications filed by the petitioners. The Registered Sale Deed which is sought to be received by the petitioners is subsequent to passing of preliminary decree and pending final decree proceedings. Therefore requested to set aside the impugned orders of the court below and allow the revision.

7. Whereas learned counsel for the respondents vehemently opposed to allow the revisions and contended that the documents which are relied by the petitioners are subject issue in the suits referred supra, before the courts below. The petitioners are having knowledge about the pattadar pass book and title deed and also same was admitted before the court and marked as Exhibits and also framed the additional issues with regard to the same. When there is an issue framed by the court below and given finding and there is no need or necessity to file such documents. Therefore the court below rightly dismissed the applications. Hence the revisions are liable to be dismissed.

8. Perused the record.

9. The court below observed that the petitioners are having knowledge about the pattadar pass book and title deed and same were marked and given finding in the preliminary decree itself. Moreover, the properties in the suit in O.S.No.157 of 1998 and the properties in other suits are different. Therefore the court below dismissed the applications.

10. It is contended by the learned counsel for the petitioners that the documents which are filed are subsequent to the passing of preliminary decree. Therefore in the interest of justice, the said documents are very crucial to substantiate their case. However, the court below observed that the said documents are no way related to the suit and which are also marked as exhibits and given findings. In view of the same, it is very clear that the documents relied upon by the petitioners are no way connected to the suit. Therefore, intervention of this Court in the impugned order of the court below does not arise, as there is no impropriety or irregularity therein.

11. In view of the foregoing discussion, both the C.R.Ps are dismissed by a common order. Since the suit of the year 1998, which is oldest matter, the court below is directed to proceed further and dispose of the same in accordance with law at the earliest, preferably within six (06) months from the date of receipt of a copy of this order. It is made clear that both the parties to the

suit shall co-operate with the court below for disposal of the final proceedings within time frame. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

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**DR.K.MANMADHA RAO, J**

Date: 31.10.2023.

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