

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos.77 AND 117 of 2015

COMMON ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents. These two Civil Revision Petitions are being disposed of by this common order in view of common cause of action involved in them.

2. The petitioner herein is the defendant in O.S.No.1278 of 2012 on the file of the Court of XVII Additional Senior Civil Judge, City Civil Court, Hyderabad (for short, trial Court). The respondents herein filed the said suit for recovery of possession of house bearing No.13-4-407, admeasuring 314 square yards, situated at Sabzi Mandi, Karwan, Hyderabad. The suit was posted to 02.12.2014, but was adjourned to 05.12.2014 for the evidence of the petitioner, on payment of costs of Rs.50/-. As the petitioner did not pay the costs, the trial Court forfeited the evidence of the petitioner, by its order dated 05.12.2014. The petitioner filed I.A.No.1078 of 2014 for reopening his evidence by setting aside the orders of forfeiture dated 05.12.2014 and the said application was allowed on 23.12.2014 on the condition of petitioner filing a chief affidavit of himself and his witnesses by 17.12.2014 and on paying costs of Rs.200/-. Though the petitioner paid costs of Rs.200/-, he did not file his chief affidavit and of his witnesses by 17.12.2014, but filed an application seeking adjournment on the ground that he filed a petition for

transfer of the proceedings before the chief Judge, City Civil Court, Hyderabad. In those circumstances, since the petitioner did not comply with the conditional order dated 23.12.2014, the petition was dismissed on 23.12.2014. Consequently, I.A.No.1105 of 2014, filed by the petitioner seeking adjournment of the suit, also came to be dismissed by order dated 23.12.2014. Challenging the dismissal orders in I.A.No.1078 of 2014 and I.A.No.1105 of 2014 dated 23.12.2014, CRP.Nos.77 and 117 of 2015 respectively are filed.

3. The learned counsel for the respondents, in view of the orders passed by the trial Court and in order to avoid further loss of time, fairly conceded that the

present Civil Revision Petitions can be disposed of by fixing a time frame for compliance by the petitioner.

4. In the circumstances, these two Civil Revision Petitions are allowed on the condition of petitioner paying an amount of Rs.1,000/- to the respondents/plaintiffs within a period of fifteen days from the date of receipt of a copy of this order and also completing the evidence on his side within three months from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 02.11.2015

TJMR