2023:APHC:18759

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

+ CIVIL REVISION PETITION Nos.1034 and 1116 of 2023

CRP No.1034 of 2023

Between:

Digumarthi Suresh Babu, S/o Yanadi Rao

... Petitioner

And

$ B.A.S. Granites, Kurnool,
Rep. by its Managing Partner,
Boggavarapu Venkata Subba Rao,
S/o. Subbarayudu, aged about 67 years
R/o Nehru Nagar, Kurnool and 17 others.

.... Respondents

JUDGMENT PRONOUNCED ON **14.06.2023**

THE HON'BLE DR.JUSTICE K. MANMADHA RAO

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? - Yes -
2. Whether the copies of judgment may be marked to Law Reporters/Journals - Yes -
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? - Yes – -

DR.JUSTICE K. MANMADHA RAO

2023:APHC:18759

* **THE HON'BLE DR.JUSTICE K. MANMADHA RAO**

+ CIVIL REVISION PETITION Nos.1034 and 1116 of 2023

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.... Respondents

! **Counsel for the Petitioner** : Sri U. Prabhunath

^Counsel for Respondents: Sri P. Kamalakar

<Gist :

>Head Note:

? Cases referred:

1. Civil Revision Petition No.59 of 2021 dt 20.07.2022
2. 2016 (3) ALD 49
3. 2011 Law Suit (SC) 271
4. 186 Ct.Cl.752, 407 F.2d 866, 873
5. (2009) 4 Supreme Court Cases 410

6. 2020 (2) ALT 364 (S.B.)
7. 2019 (6) ALT 360 (S.B)
8. 2011(6) ALT 299 (SB)
9. 2009 (3) ALT 236 (S.B)
10. 2017 (4) ALT 582 (S.B)
11. 2011 (6) ALT 299 (S.B)
12. (2016) 14 SCC 142
13. 1964 SCR (5) 946

HON'BLE DR. JUSTICE K. MANMADHA RAO

CIVIL REVISION PETITION Nos.1034 and 1116 of 2023

COMMON ORDER :

As the issue involved in both the civil revision petitions is one and the same, these matters are taken up together for disposal by this Common Order.

2. The petitioner herein is the defendant No.6 and the respondents 1 to 3 are the plaintiffs and the respondents No.4 to 18 are the defendants No.1 to 5 and 7 to 16 in O.S.No.224 of 2006, which was filed before the Additional Senior Civil Judge, Ongole (for short "the trial Court") for grant of partition of the schedule property as per compromise decree in O.S No.183 of 1932 and also for declaration. The petitioner herein filed I.A.Nos.82 of 2023 in O.S.No.224 of 2006 under Order VIII Rule 1(A) 3 of CPC seeking to receive documents for the purpose of marking the same on behalf of the petitioner/DW.2 and also filed I.A.No.83 of2023 in O.S.No.224 of 2006 before the trial Court under Order18 Rule 17 of CPC seeking to recall the petitioner/DW.2 for the purpose of marking documents. The same were dismissed by the trial Court vide separate

orders dated 14.03.2023. Aggrieved by the same, the present civil revision petitions came to be filed.

3. Heard Mr. U. Prabhunath, learned counsel appearing for the petitioner and Mr. P. Kamalakar, learned counsel appearing for the respondents.

4. Learned counsel for the petitioners contended that the proposed documents are to be received for the purpose of marking the same in the evidence of DW.2 for proper adjudication of the suit. He further submits that the proposed documents are relevant and useful in determining the issue and hence the documents are to be received for the purpose of marking the same through the petitioner/DW.2. In support of his contention, relied upon a catena of decisions reported in (i) **Joint Commissioner-cum-Chief Fire Officer Municipal Corporation, Chandigarh and others v. Ajay Singh**[1] , wherein the Hon'ble High Court of Himachal Pradesh held that "No good cause for not placing the CD along with written statement, at the first instance, ever came to be placed on record, rather pleadings as set up in the written statement

[1] Civil REvsiion Peititon No.59 of 2021 dt. 20.07.2022

and application filed Order 8 Rule 1A (3) CPC are contradictory.

(ii) **Nerudu Srinivas Reddy and another v. Neerudu Sunanda alias Sunanda Reddy alias Sripathy Sunanda Reddy**[2], wherein it was held that invoking of inherent power under Section 151 CPC in the facts of the present case is for brining of further evidence in the form of an Advocate Commissioners report by the petitioners. In that view of the matter, the procedure for adducing and recording of evidence as provided for under Order XVIII may be noticed.

(iii) In **K.K. Veluswamy v. N. Palaniswamy**[3], wherein it was held that the ode earlier had a specific provision in Order 18 Rule 17A for production of evidence not previously known or the evidence which could not be produced despite due diligence.

5. Learned counsel while relying upon the decisions stated above, contended that, it is necessary to determine the present application. As the I.A.No.81 of 2023 was allowed by reopening the suit for the purpose of receiving the documents and marking the same through DW.2, the application is before

[2] 2016 (3) ALD 49
[3] 2011 Law Suit (SC) 271

the Court for determination. Admittedly the suit is filed by R.1 to R.3/ plaintiffs for partition in respect of their 7/24th share in the plaint schedule property as per the compromise decree in O.S No.183 of 1992 determination of profits and to declare permission granted to D1 and D.10 by D.11 to D.16 for carrying quarry operations is not at all acceptable.

6. Learned counsel for the respondents has filed counter on behalf of the respondents No.4 to 7 and denied all the allegations made in the petition. He contended that the petitioner filed petition in a casual manner that the suit is coming up for submission of arguments suppressing the fact that the suit is coming up for arguments since 23.10.2017, i.e., 5 years after the suit is posted for arguments. The petitioner and plaintiff colluded together to achieve their sole object of obstructing the process of court from disposing the suit. He further submits that all attempts to drag on the suit by plaintiffs failed, hence the petitioner come forward with the false and frivolous petition to further obstruct the court proceedings. He further contended that the petitioner has filed written statement and also filed additional chief affidavit by way of filing additional documents 1 to 5. On 29.1.2015 the same were affirmed and Ex.B18 to B26 were marked on

the same day. The petitioner having filed additional documents along with additional chief examination affidavit in 2015 ought to have filed these documents proposed to be filed now. He further submits that the written arguments filed on behalf of the respondents No.4 to 7 in the year 2018, Para 19 and 20 clearly addressed the failure on the part of the petitioner to prove his case. After 4 years, the petitioner filing the petition on the frivolous ground that he obtained seven documents now is nothing but abuse of process of court resulting loss and inconvenience to the respondents. After closure of evidence in 2017 and the suit is being adjourned for arguments since 2017 till date the averment of the affidavit that the seven documents are relevant and are useful in determining the issues cannot be a reason to receive the documents. It seems that the petitioner has failed to assign any reason for his failure to produce the documents before the court at the time of adducing his evidence by filing chief examination affidavit and additional chief examination affidavit along with additional documents in 2015 and he filed the petition with abnormal delay of 7 years.

7. On perusing the entire material available on record and on hearing the submissions of both the counsels, this Court observed that, already evidence of both the parties were completed and the matter was posted for arguments to 09.04.2015. Since then the matter has not been disposed of. While so, on 6.12.2019 D1 to D4 filed written arguments and memo has been filed stating that plaintiffs No.1 and 2 expired. Later application under Order 1 Rule 10 CPC and the same was dismissed. From 02.02.2022 to till arguments are not submitted and the petitions are being filed by the plaintiffs and now the petitions came to be filed by the petitioner/D6.

8. The main contention of the petitioner/D6 is that he has enclosed seven documents and those documents are relevant and useful in determining the issue and hence the documents are to be received for the purpose of marking the same through DW.2. Except that plea, no explanation is offered by the petitioner/D6 in his affidavit, the reason for not producing the said seven documents at the earliest point of time and for filing them after lapse of seven years from closure of his evidence. Only reason mentioned that the said documents are not available at the time of evidence and he could trace them is not sufficient to grant leave to the

petitioner to file said documents after lapse of years, without necessary details like when they were traced, how they were traced and where they were traced. Moreover, the contention of the respondents No.4 to 7/D1 to D4 is that, this petition filed only to drag on the proceedings. Further, there is no explanation in the affidavit by the petitioner/D6 how the proposed documents are relevant to determine the issues on hand.

9. Learned counsel for the petitioner contended that I.A No.566 of 2022 filed by the petitioner/D6 under Section 151 of CPC seeking to reopen the matter for the purpose of marking documents. While allowing the said I.A., the trial Court observed that sufficient opportunity is provided to petitioner/D6 to produce his evidence, but D6 failed to produce the said 7 documents at the time of filing the additional chief affidavit as rightly contended by D1 to D4. Further, after taking several adjournments from 29.4.2015, filing petition one after another by the plaintiff and now by D6 is considered. The plea of respondents/D1 to D4 that sufficient opportunity is given to petitioner/D6 to reproduce his evidence is considered. It is also observed by trial Court that, in order to adjudicate the matter on hand effectively and

to afford one more opportunity to the petitioner/D6 to produce documents, the trial Court allowed petition by reopening the matter for receiving documents filed by the petitioner/D6 and to mark the same on his behalf, in the interest of justice. , but on condition that the petitioner/D6 shall pay costs of Rs.10,000/- to D1 to D4 for the inconvenience caused to them. In view of the compliance of the said order, the petitioner/D6 has deposited Rs.10,000/-. Thereafter, the petitioner filed the present impugned order. So in view of the same, it is contended that once the trial Court has allowed IA No.566 of 2022 and directed the petitioner to pay costs for reopening petition, it is sufficient to consider the present I.A. So while passing impugned order which is contrary to law and facts and weight of evidence and probabilities of the case.

10. It is also contended by learned counsel for the petitioner that, though relevancy and admissibility of the documents is to be determined when they are tendered into evidence, but as there is inordinate delay of 7 years in filing the documents after the completion of evidence of DW2 and after filing of written arguments by D1 to D4, it is necessary for the petitioner/D6 to explain how the documents are useful to determine the case. Further, when there is specific

explanation in the counter filed by D1 to D4 that;, the said documents are irrelevant, explanation is needed by the petitioner/D6 how the said documents are essential to determine the case. But it is not so in this case.

11. On the other hand, learned counsel for the respondents contended that the petitioner did not assign any reason or grounds on which the petitioner could not produce the documents for the last 7 years. He further submits that except stating a word relevant, the affidavit is silent as to how the documents are relevant. Further, document No.1 a registered lease deed of the year 1977 between third parties in respect of Ac 30.00 cents of land out of Ac 300 in S.No.55. the present suit schedule is Ac 3.36 cents in S.No.55/6. Therefore, it is irrelevant and unnecessary and amounts to mulcting the record with unnecessary documents to introduce new case. He further contended that the documents No.3 and 4 are certified copies. Therefore, production of depositions in a decided suit is nothing but an abuse of process of Court. Further, document No.2 certified copy of plaint and Document No.7 is decree in OS No.50 of 1992 in respect of land in S.No.55/4B, whereas the present suit schedule is S.No.55/6. Therefore, the two documents are irrelevant and unnecessary.

Since the said suit is dismissed as adjusted out of court the document No.7 is also irrelevant. With regard to documents No.5 and 6, those are Xerox copies and they cannot be received in evidence. Even otherwise they are irrelevant and unnecessary. He further submits that the petitioner filed this petition with the sole object of protracting the disposal of the suit by producing the irrelevant and unnecessary documents.

12. Insofar as CRP No.1116 of 2023 is concerned, the petitioner filed this revision petition against the order dated 14.03.2023 passed in I.A No.83 of 2023 in O.S No.224 of 2006 which was filed by the petitioner/D6 under Order 18 Rule 17 CPC to recall the petitioner/DW.2 for the purpose of marking documents. It is necessary to determining the application. Admittedly the suit is filed by R1 to R3/plaintiffs seeking the relief of partition in respect of their 7/24th share in the plaint schedule property as per the compromise decree in OS No.183/1932, determination of profits and to declare permission granted to D1 and D10 by D11 to D16 for carrying quarry operations are not acceptable.

13. It is needless to say, with regard to determination, the Hon'ble Supreme Court held that the decision of a court or

administrative agency. It implies an ending or finality of a controversy or suit. **Piccone v. U.S.**[4], the ending of expiration of an estate or interest in property, or of a right, power, or authority. The coming to an end in any way whatever. Also an estimate. As respects an assessment, the term implies judgment and decision after writing the facts.

14. The word 'Determination' must also be given its full effect to, which pre-supposes application of mind and expression of the conclusion. It connotes the official determination and not a mere opinion of finding.

In **Lw Lexicon by P. Ramanatha Aiyar, Second Edition**, it is stated that :

Determination or order. The expression determination signifies an effective expression of opinion which ends a controversy or a dispute by some authority to whom it is submitted under a valid law for disposal. The expression "order" must have also a similar meaning, except that it need not operate to end the dispute,. Determination or order must be judicial or *quasi-judicial*.

13. Learned counsel for the respondents has relied upon a catena of decisions of Hon'ble Supreme Court as well as High Court of Judicature at Hyderabad, as under::

[4] 186 Ct.Cl.752, 407 F.2d 866, 873

(i) **Vadiraj Naggappa Vernekar (Dead) through LRs. Versus Sharadchandra Prabhakar Gogate**[5], wherein the Hon'ble Supreme Court held that :

> *"In our view, though the provisions of Order 18 Rule 17 CPC have been interpreted to include applications to be filed by the parties for recall of witnesses, the main purpose of the said rule is to enable the Court, while trying a suit, to clarify any doubts which it may have with regard to the evidence led by the parties. The said provisions are not intended to be used to fill up omissions in the evidence of a witness who has already been examined.*
>
> *The power under the provisions of Order 18 Rule 17 CPC is to be sparingly exercised and in appropriate cases and not as a general rule merely on the ground that his recall and re-examination would not cause any prejudice to the parties. That is not the scheme or intention of Order 18 Rule 17 CPC.*
>
> *It is now well settled that the power to recall any witness under Order 18 Rule 17 CPC can be exercised by the Court either on its own motion or on an application filed by any of the parties to the suit, but as indicated hereinabove, such power is to be invoked not to fill up the lacunae in the evidence of the witness which has already been recorded but to clear any ambiguity that may have arisen during the course of his examination"*

(ii) In another case reported in **Lakshmi and others Vs. Vitta Kristappa and others**[6], wherein this Court held that :

> *Rules 1-A and 1-A(3) of Order VIII CPC were substituted by Act 46 of 1999 with effect from 01.07.2002 with object of curbing the phenomenal delays in the procedural aspects leading to procrastination of the proceedings before the civil court. The Parliament has thought it fit to stipulate time limit for the parties to file their defence and produce documents along with the defence so that the cases can be disposed of without any delay. This being the objective of the provisions amended, the court before which the defendant intends to produce the documents after filing of the written statement need to assign the reasons for non-production of documents along with the written statement. Unless the reasons*

[5] (2009) 4 Supreme Court Cases 410
[6] 2020 (2) ALT 364 (S..B.)

assigned by the defendant disclosing sufficient cause for his failure to produce the WP.1038/2012, dt.10.04.2012, the documents within the time stipulated in Rule-1A of Order VIII CPC, the court shall not permit him to file the documents at a later stage.

14. In the instant case, no reason whatsoever is assigned by the revision petitions for non-production of the documents which are sought to be produced and that they have not even referred those documents in their written statement. Due to non-disclosure of sufficient cause for their failure to produce the intended documents, the production of documents at a later stage, that too, when the case reached the stage of arguments, cannot be permitted.

(iii) In another case reported in **Pallepati Narasaiah and others Vs. P. Satyanarayana and others**[7], wherein the High Court of Judicature, Hyderabad, held that :

Civil Procedure Code, 1908 Order 8 Rule 1-A Filing of additional documents. It is incumbent on the part of a defendant. To produce documents along with his written statement . If he did not produce it along with the written statement, without leave of the Court, he cannot file it later Order 8 Rule 1-A (1 and 3) CPC} only if party is prevented by circumstances beyond his control to file the documents along with the written statement, the Court may consider allowing the defendant to file documents subsequently Revision is allowed.

After the amendment of the Code of Civil Procedure by Act 22 of 2002 w.e.f. 01.07.2002, it is incumbent on the part of a defendant who bases his defence on document, or relies upon any document in his possession or power in support of his defence, to produce it along with his written statement, and also file a copy of it; and if he did not produce it along with the written statement, without the leave of the Court, he cannot file it later {Order VIII Rule 1A (1 & 3) CPC}. The reason for this rule is that both parties should go to trial knowing each others' documents and neither party can take the other by surprise at a later stage after his evidence is completed.

[7] 2019 (6) ALT 360 (S.B.)

(iv) In another case reported in **Voruganti Narayana Rao Vs. Bodla Rammurthy and others**[8], wherein the High Copurt of Judicature at Hyderabad held that :

> *Documents not produced with written statement – Allowing of, subsequently- court vested with discretion to allow such documents to be produced later, only if sufficient cause is assigned by defendant and not for mere asking – Suit on pronote filed by petitioner – Evidence on plaintiff's side closed – D.3 filed affidavit in lieu of chief examination. Later, defendants filed application for receiving seven pronotes into evidence."*

(v) In another case reported in **Ravi Satish v. Edala Durga Prasad and others**[9], wherein the High Court of Judicature, Hyderabad, held that :

> *The question, which arises for consideration in all these five revisions is whether the Court below is required under Order VIII Rule 1-A(3) of the Code of Civil Procedure, to receive documents despite absence of cause being shown by the applicant.*
>
> *Under Order VIII Rule 1-A(3) CPC, a document, which ought to be produced before the Court by the defendant under Rule 1, but it is not so produced shall not, without leave of the Court, be received in evidence on his behalf at the hearing of the suit. Sub-rule(3) was inserted by Act 22 of 2002 with effect from 01.07.2022.*
>
> *Sub-rule(3) of Rule 1-A of Order VIII permits the documents to be received only on leave being granted by the Court. Grant of leave is not for the mere asking, nor is the Court a mere Post-Office to \receive documents even in the absence of any reasons being furnished for failure to file the said documents along with the written statement. Admittedly, in the case on hand, no reasons whatsoever have been furnished by the petitioner, let alone adequate cause been shown as to why the documents, which were the subject matter of the application, could not be filed earlier along with the written statement. Having chosen not to give any*

[8] 2011(6) ALT 299 (S.B.)
[9] 2009 (3) ALT 236 (S.B.)

reasons, it is not open to the petitioner to contend that the Court below should have received the documents, since the petitioner's right could be adversely affected for failure on its part to receive the documents. While it is no doubt true that admissibility and proof of documents are matters which ought not to be gone into at the time of receipt of documents, the fact, however, remains that the leave sought for can only be granted on adequate reasons being furnished justifying failure on the part of the applicant in not filing the document along with the written statement earlier. The contention that no prejudice can be said to have been caused to the respondent/plaintiff has been rejected by the Court below on the ground that their right to file rejoinder based on the said document had been denied. The court below has not committed any jurisdictional error nor has its order resulted in such manifest injustice as to necessitate interference by this Court under Article 227 of the Constitution of India.

(vi) In a case of **Pandit Nehru Bus Station, Vijayawada, Krishna District and others Vs. P.V. Surya Narayana**[10], wherein this Court held that :

In the affidavit filed in support of the present I.A.No.447 of 2016 the defendants stated that at the material time of filing counter and chief examination affidavit, some of the important documents could not be filed and the same are very essential and crucial to prove the case of the defendants and the said documents could be recently traced out. While stating so, the defendants/petitioners herein prayed the Court below to condone the delay in receiving the said documents. Admittedly, in the present suit, recording of evidence on behalf of the plaintiffs came to an end. Except stating that at the time of filing counter and chief examination affidavits the documents could not be filed and they could be traced recently, no other reason is forthcoming nor did the petitioners state clearly the reasons for not filing the said documents along with the written statement. If the reason as stated in the present affidavit is treated as a reasonable one, the same can be a reason in each and every case. In the considered opinion of this Court, the said reason assigned by the petitioners herein, by any stretch of imagination, cannot be said to be a valid reason. The petitioners herein even did not state in the affidavit that despite their due diligence, the proposed documents could not be traced out at the relevant point of time.

[10] 2017 (4) ALT 582 (S.B.)

(vii) In another citation reported in **Voruganti Narayana Rao Vs Bodla Rammurthy and others**[11], wherein the High Court of judicature at Hyderabad held that :

> *Rules 1-A and 1-A(3)ofOrder VIII C.P.C.,were substituted by Act 46 of 1999 with effect from 01.07.2002. The object with which those Rules were amended was to curb the phenomenal delays in the procedural aspects leading to procrastination of the proceedings before the civil Court. The Parliament has thought it fit to stipulate time limits for the parties to file their defence and produce the documents along with the defence so that the cases can be disposed of without avoidable delays. This being the avowed object with which the above noted provisions are amended, Rule 1-A(3) of Order VIII C.P.C., which on a literal interpretation appears to vest unlimited discretion with the Court, requires to be interpreted so as to advance the intendment of the legislation. The Court before which the defendant produced the said documents after filing of the written statement, therefore, needs to be circumspect in examining whether proper reasons are assigned by the defendant for not producing the documents along with the written statement. Unless the reasons assigned by the defendant discloses sufficient cause for his failure to produce the documents within the time stipulated in Rule 1-A of Order VIII C.P.C., the Court shall not permit the defendant to file such documents later. Undoubtedly, unduly liberal approach in this regard would frustrate the purpose for which the provisions of the Code of Civil Procedure are amended. This Court in Ravi Satish (cited supra) held that grant of leave by the Court is not for the mere asking nor is the Court a mere post-office to receive documents even in the absence of any reasons furnished for failure to file the said documents along with the written statement.*

15. It is now well settled that the power to recall any witness under Order 18 Rule 17 CPC can be exercised by the Court either on its own motion or on an application filed by

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[11] 2011 (6) ALT 299 (S.**B)**

any of the parties to the suit, but as indicated hereinabove, such power is to be invoked not to fill up the lacunae in the evidence of the witness which has already been recorded but to clear any ambiguity that may have arisen during the course of his examination. Of course, if the evidence on re-examination of a witness has a bearing on the ultimate decision of the suit, it is always within the discretion of the Trial Court to permit recall of such a witness for re-examination with permission to the defendants to cross-examine the witness thereafter.

16. In view of the law laid down by the Apex Court, more particularly in Gayatri v. M. Girish[12] , wherein, it was held that the reason assigned by the petitioners for recall of witness cannot be accepted, more so, the conduct throughout the proceedings is blameworthy and the petitioner is filing petitions one after the other successively and dragged the proceedings successfully for years together from 2010 onwards i.e. almost for nine years. When the petitioner is guilty of such blameworthy conduct and filing petitions one after the other, though lost in one round of litigation, it is evident from his conduct that his intention is to drag on

[12] (2016) 14 SCC 142

proceedings for one reason or the other sufficiently for a long time to bring the other side to come to the terms of this petitioner by misusing the provisions of law and the Courts cannot encourage such conduct, as speedy justice is the need of the day. Since, I have recorded a finding that, when the suit is reserved for judgment and the parties have nothing to do with the matter, except pronouncement of judgment, by applying the principle laid down in Arjun Singh v. Mohindra Kumar and others[13] , wherein, the Apex Court held that the question of recalling the petitioner/DW.2 does not arise. Therefore, I find that the reason assigned for recall of the petitioner/D.W.2 for further examination cannot be permitted. Hence, the civil revision petitions are liable to be dismissed.

17. On perusing the entire material available on record and in the light of the judgments cited above, this Court observed that, the present case is also similarly situated petitioners. The suit is filed in the year 2006, thereafter, on several occasions, the matter was reopened. The simple reason mentioned in the petition that the documents are not available at the time of petitioner's evidence and he could trace them is not sufficient to grant leave to the petitioner to file the

[13] 1964 SCR (5) 946

said documents after lapse seven (7) years, without necessary details like when and how they were traced and where they were traced. Further, there is no explanation is submitted by learned counsel for the petitioner/D6 how the proposed documents are relevant to determine the issues on hand. It is also observed that though proof, relevancy and admissibility of the documents is to be determined when they are tendered into evidence, but as there is inordinate delay of seven (7) years in filing the documents after the completion of evidence of DW2 and after filing of written arguments by D1 to D4, it is necessary for the petitioner to explain how the documents are useful to determine the case. Further, this Court is also observed that, when there is specific explanation in the counter filed by D1 to D4 that the said documents are irrelevant, explanation is needed by the petitioner/D6, how the said seven documents are essential to determine this case.

18. Having regard to the facts and circumstances of the case and on hearing the submissions of both the counsels, this Court observed that, the principles laid down in the judgments cited by learned counsel for the respondents squarely applicable to the facts and circumstances of the present cases. It is also settled principle of law that unless the

order impugned suffers from jurisdictional error or patent perversity, the power of judicial review under Article 227 of the Constitution of India cannot be pressed into service. Therefore, this Court has absolutely no scintilla of hesitation nor any shadow of doubt to hold that the orders under challenge do not warrant any interference by this Court under Article 227 of Constitution of India.

19. In view of the foregoing reasons, both the Revision Petitions are dismissed. Further, since the suit pertains to the year 2006, the trial Court is directed to dispose of the same, as expeditiously, as possible, preferably, within a period of three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

DR. K. MANMADHA RAO, J.

Date : 14 -06-2023
***Note : L. R Copy to be marked**.*
(b/o)Gvl

2023:APHC:18759

HON'BLE DR. JUSTICE K. MANMADHA RAO

CIVIL REVISION PETITION Nos.1034 and 1116 of 2023

Date : 14 .06.2023

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