

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No.2534 of 2015

ORDER:

Heard the learned counsel for the petitioner.

This Civil Revision Petition is filed against the order dated 19.06.2015 passed in I.A.No.611 of 2012 in O.S.No.41 of 2005 on the file of Senior Civil Judge, Gadwal.

The petitioners are defendant Nos.1 and 2 in the suit. The suit was filed for declaration of title and for delivery of physical possession of the suit schedule property. The present application was filed seeking leave to file additional written statement on behalf of defendant Nos.1 and 2 in the suit as subsequent events have developed after filing of suit which necessitated filing of the said petition. It is clear from the record that the evidence, in both the suits, in O.S.Nos.16 and 41 of 2005, was completed and they are ripe for disposal and, at that stage, the present application was filed.

It is settled position of law that in view of the subsequent events either during the course of evidence, or by some other process, leave cannot be granted for filing additional written statement.

Learned counsel for the petitioners submits that the plaintiffs during the course of evidence introduced the person, who is not proper to depose and connected to the document, and a question was put to him during the course of examination.

If such an event necessitated filing of written statement, it can as well be argued at the time of final arguments. In that view of the matter, the lower Court took into consideration the fact that I.A.No.404 of 2012 in O.S.No.41 of 2005 filed seeking

the very same relief was dismissed on 10.07.2012. The present application was dismissed taking into consideration the above fact also. In the circumstances, I do not find any reason to admit the civil revision petition.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel thereto, miscellaneous applications, if any, also stand dismissed.

A. RAMALINGESWARA RAO,J

Date:06.07.2015
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