

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.3725 of 2015

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.06.07.2015 in I.A.No.741 of 2015 in O.S.No.39 of 2006 on the file of II Additional Junior Civil Judge, Warangal.

2. The petitioner herein is plaintiff in the above suit.
3. He filed the suit for a perpetual injunction restraining respondents from interfering with his alleged peaceful possession and enjoyment of the suit schedule property.
4. After written statement was filed, trial was conducted.
5. At that stage, the petitioner filed I.A.No.741 of 2015 to re-open the suit and permit him to lead further evidence; and I.A.No.742 of 2015 to receive certain documents. These documents are : (i) a decree dt.15.04.1997 in O.S.No.36/77 to which the petitioner's vendors were parties, (ii) a petition in L.G.C.No.4 of 2001 filed by him and another person, (iii) an order in I.A.No.2010 of 2003 in O.S.No.1079 of 2003 on the file of the II Additional Junior Civil Judge, Warangal; and (4) an order in I.A.No.2273 of 2003 in O.S.No.1070 of 2003, bailiff report, etc. The only reason assigned for seeking re-opening of the suit was that petitioner had received the same recently after completion of his evidence, and therefore, he was unable to file them earlier.
6. This application was opposed by respondent contending that the

said application was filed after the suit was posted for arguments, and after taking several adjournments to argue the suit; and that petitioner was negligent and ought to have filed the documents referred to along with the plaint since they were available even prior to filing of suit.

7. By order dt.06.07.2015, the Court below dismissed I.A.No.741 of 2015 and also I.A.No.742 of 2015.
8. The Court below observed that there is no reference in the plaint averments to these documents which are now sought to be filed; that the suit is of the year 2006 and evidence of PW.1 had been completed on 16.11.2009 itself, and the documents now sought to be filed had been in existence long before the filing of the suit; and no valid reason had been assigned for not filing these documents at the earliest point of time.
9. Challenging the order in I.A.No.741 of 2015, the present Revision is filed.
10. Heard Sri J. Venkateshwar Reddy, counsel for petitioner; and Sri P. Devender, counsel for respondent nos.3 to 5.
11. The counsel for petitioner contends that the evidence of petitioner needs to be re-opened to enable him to mark the documents received after closure of evidence.
12. I am of the opinion that all the documents sought to be filed by petitioner pertain to the period prior to the filing of suit, and the proceedings referred to by petitioner are proceedings wherein the petitioner himself is a party or his vendor. Merely because petitioner recently acquired them, that is no reason to allow him to file them since no reason is assigned why he could not file

them along with the plaint. Order 7 Rule 14 (3) C.P.C. directs that unless sufficient cause is shown, Court shall not grant leave to receive documents which should have been filed along with the plaint.

13. Similar view has been taken by this Court in **Ravi Satish v. Edala Durga Prasad and others.**

14. Therefore, I do not find any merit in the Revision and it is accordingly dismissed. No order as to costs.

15. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23.09.2015

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