

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Civil Revision Petition No.2210 of 2015

Date: 23-06-2015

Between:

P. Hafeezur Rahman

.. Petitioner

And:

K. Bahdur Singh and 10 others

..... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Civil Revision Petition No.2210 of 2015

ORDER:

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This Civil Revision Petition is directed against the order dated

05-05-2015 in I.A.No.554 of 2015 in O.S.No.439 of 2005 passed by the Principal Junior Civil Judge, Kurnool, dismissing the petition filed for reopening the suit for marking house site pattas and other documents which are already filed in I.A.No.241 of 2013 in the suit as exhibits.

2. The case of the petitioner is that one Quibla Sab filed the suit for permanent injunction restraining the respondents therein from trespassing or interfering with his peaceful possession and enjoyment of the suit schedule land and after the death of Quibla Sab, his legal representative were brought on record and during the pendency of the suit, I.A.No.554 of 2015 is filed seeking to reopen the matter for adducing further evidence of marking house site pattas and other documents which are already filed in

I.A.No.241 of 2013. The Court below, having considered the facts and circumstances of the case and the contentions of both parties, dismissed the said application on the ground of irrelevancy of documents sought to be marked at the belated stage that too when the suit is coming up for arguments. Aggrieved by the said order, the present revision petition has been filed.

3. Heard the learned counsel for the revision petitioner.

4. Learned counsel for the revision petitioner contends that the Court below has erroneously dismissed the application without considering the reasons assigned for marking those documents and the order under revision needs to be interfered with.

5. Having heard the learned counsel for the petitioner and on perusal of the material on record and the order under revision, it shows that the Court below has rightly dismissed the application holding that the documents sought to be marked are irrelevant not connected to the suit, and not related to Survey No.419 C of Kallur village. It also held that neither of the parties in the suit are the parties to those documents and the filing of the present application is highly belated and reopening of the matter for further evidence at the stage of arguments is only a pretext to drag on the proceedings. The Court below further held that the suit is listed one and coming for arguments at which stage the petitioners are trying to drag on the proceedings. Since the suit is pending from 2005, which is listed one and coming up for arguments, the attempt of filing the present application by the petitioners is neither just nor reasonable, but only to drag on the proceedings without any convincing reasons and no plausible reason is assigned for filing of the present application belatedly and that the reasons assigned by the Court below are justified. Therefore, the Court below has rightly exercised its jurisdiction in dismissing the

application and the order under revision does not suffer from any irregularity or illegality warranting interference of this Court in exercise of restricted revisional jurisdiction under Article 227 of the Constitution of India, and hence, the revision petition is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed at the stage of admission. No costs.

A. RAJASHEKER REDDY, J

Date: 23-06-2015

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