

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

CIVIL REVISION PETITION Nos.4034, 4046 & 4098 OF 2015

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COMMON ORDER:

Heard learned counsel for the petitioners and learned counsel for the respondents.

Since these revision petitions are connected, they are disposed of by this common order.

The petitioners are the plaintiff in O.S.No.260 of 2008 on the file of Principal Senior Civil Judge, Tirupati. When the said suit for permanent injunction was coming up for arguments after trial, the petitioner filed three applications in I.A.Nos.650, 647 and 653 of 2015, respectively, seeking to reopen the evidence of the plaintiffs, to recall PW.1 for marking of the documents and to receive the documents. All the three applications are dismissed by the Court below under the impugned common order. The said common order is questioned in these revision petitions.

The only reason mentioned in the affidavits filed by the revision petitions is that they could not file relevant documents as the said documents were misplaced in the house and traced out only recently. It is to be remembered that the suit is pending from 2008 and the plaintiffs have already completed their evidence and thereafter the defendants have led evidence and the suit is coming up for arguments. At this stage, reopening of the suit to receive fresh documents would result in re-trial and the defendants would certainly be prejudiced by the new documents now sought to be introduced. The Court below is justified in rejecting the present applications. Hence, I do not see any reason to interfere with the common order

passed by the Court below.

The Civil Revision Petitions are accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these Civil Revision Petitions shall stand closed.

VILAS V.AFZULPURKAR, J

02.11.2015

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