

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.2983 of 2014

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.30.06.2014 in I.A.No.322 of 2014 in O.S.No.313 of 2010 of Principal Senior Civil Judge, Tirupati.

2. The petitioners herein are plaintiffs in the above suit.

3. Trial concluded in the suit, and at that stage, I.A.No.322 of 2014 was filed by petitioners under Section 151 C.P.C. to re-open the evidence of petitioners.

4. In the affidavit filed in support of the said application, it was contended that certain documents relating to the property in dispute had not been filed in the present suit, but they had been filed in another suit O.S.No.82 of 2008 on the file of Additional Senior Civil Judge, Tirupati, which had been decreed against the Government; that this fact came to light in an interaction between petitioners' counsel and the petitioners while the former was preparing to argue the case; that copy application had been filed to obtain certified copies, but the said application was struck off by the said court; that another copy application filed thereafter was pending before the said Court; those documents are relevant to

decide the present case also; and therefore, the suit be re-opened for the purpose of adducing evidence by way of re-call of PW.1.

5. This application was opposed by respondents who contended that the trial had already concluded and the matter was posted for addressing arguments and the petitioners are not entitled to the relief prayed for in that application.

6. By order dt.30.06.2014, the Court below dismissed the said application. It held that the evidence of petitioners had been closed on 03.01.2012 itself; thereafter, the respondents' evidence was also closed on 19.11.2013; several adjournments were sought subsequent thereto, and then the present application was filed in June, 2014, at the time when arguments were directed to be addressed; that petitioners had taken sufficient time to adduce their evidence; and there was no merit in the said application.

7. Questioning the same, the present Revision is filed.

8. The counsel for petitioners sought to contend that the order passed by the Court below is not proper, and that the court below should have re-opened the evidence of petitioners, and given them an opportunity to secure documents which had been filed by them in O.S.No.82 of

2008.

9. I am unable to agree with the said submission.

10. The present suit had been filed in the year 2010, long after O.S.No.82 of 2008 was filed. Since the petitioners are plaintiffs in this suit as well as in O.S.No.82 of 2008, if they really wished to rely on the documents filed in O.S.No.82 of 2008, nothing prevented them from obtaining certified copies and filing them along with the plaint in this suit or during the course of their evidence which came to be closed on 03.01.2012. Also, the respondents' evidence had been closed on 19.11.2013 and seven months thereafter, the present application had been filed to re-open the evidence of petitioners. This conduct gives rise to a suspicion that petitioners only wish to drag on the proceedings in the suit, and that this application lacks *bona fides*.

11. Therefore, I do not find any merit in this Revision, warranting exercise of jurisdiction of this Court under Article 227 of the Constitution of India. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

12. Miscellaneous applications, pending if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 15-09-2015

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