

HON'BLE SRI JUSTICE A.V.SESHA SAI
CIVIL REVISION PETITION Nos.219, 228 and 235 of 2014

COMMON ORDER:

Since these three revisions arise out of one R.C.C, and as these revisions are interrelated, this Court deems it appropriate to dispose of these revisions by way of a common order.

Heard and perused the material available on record. Despite service of notice, none appears for the respondents.

The petitioner herein filed R.C.C.No.5 of 2008 on the file of Principal Junior Civil Judge, Karimnagar, against the respondents herein. In the said R.C.C, the petitioner herein filed I.A.Nos.1369, 1370 and 1371 of 2013, under Section 151, Order 7 Rule 4 and Order 18 Rule 17 of the Code of Civil Procedure, 1908, seeking to reopen, to receive the documents, and to recall PW.1 respectively. The respondents herein opposed the said applications by way of filing counter. The Learned Principal Junior Civil Judge, Karimnagar, by order dated 20.12.2013, dismissed the said applications. Calling in question the legal sustainability of the said orders, the present revisions have been filed under Article 227 of the Constitution of India.

It is contended by the Learned Counsel for the petitioner that the orders passed by the Court below are erroneous, contrary to law and opposed to settled proposition of law. It is further contended by the learned counsel that, had the contents, of the affidavits filed in support of the applications, been considered from proper perspective, the orders under revisions would not have emanated. It is further contended that the documents proposed to be filed would positively prove the case of the petitioner; and, to meet the ends of justice, the learned Judge ought to have allowed

the applications. In support of his submissions, learned counsel places reliance on the judgment in the case of **K.K.Velusamy v. N.Palanisamy**^[1].

The information available before this Court shows that the petitioner herein filed the present applications after the closure of the evidence, and when the main R.C.C. was taken up for arguments. In the affidavits, filed in support of the applications, the petitioner herein stated that he filed true extracts of assessment register pertaining to the suit house; to mark the said document; and that his examination would be necessary. While saying so, he requested the Court below to allow the applications.

As per the law laid down by the Apex Court in **K.K.Velusamy** (1 supra), the power under Section 151 CPC or Order 18 Rule 17 CPC is not intended to be used routinely, and not merely for asking; and, if so used, it would defeat the very purpose of various amendments to the Code to expedite trials. A perusal of the affidavits, filed in support of the applications, would show that the petitioner herein did not assign any reason as to why the document could not be produced earlier despite due diligence. In the considered opinion of this Court, the reasons assigned by the petitioner in the supporting affidavits are neither sufficient nor convincing nor the affidavits disclose any valid reason for meddling with the orders passed by the Court below. In fact, while dismissing the interlocutory applications, the learned Judge categorically observed that the petitioner herein did not give sufficient reason for filing the document at the time of his evidence. It is settled proposition of law that unless the order impugned suffers from patent perversity and jurisdictional error, invocation of the jurisdiction of this Court, under Article 227 of the Constitution of India, is impermissible.

For the aforesaid reasons, the Civil Revision Petitions are dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

A.V.SESHA SAI,J

Date: 03.03.2015
usd

[\[1\]](#) 2011(11) SCC 275