

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P. Nos.4078, 4124 and 4125 of 2015

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COMMON ORDER:

The petitioner herein is the plaintiff in O.S. No.91 of 2005 on the file of the Court of the learned Junior Civil Judge, Rajam. After closure of the evidence of plaintiff as well as the defendants, the plaintiff filed three applications in I.A. Nos.92, 93 and 94 of 2015 seeking to reopen the matter, recall PW1 and to receive the village No.3 Adangal Pahani issued by the Tahsildar, Rajam, and land revenue receipt. Those three applications were dismissed by a common order dated 22.07.2015, challenging which the present Civil Revision Petitions were filed.

The affidavit filed in support of applications does not disclose the grounds on which the applications were filed at a belated stage. On the other hand, the affidavit discloses that the evidence of plaintiff only was closed. A counter was filed stating that the evidence of plaintiff and defendants was closed long back and it is posted for arguments. In those circumstances, the trial Court dismissed the applications, by order dated 22.07.2015.

Learned counsel for the petitioner submits that the original advocate, who was engaged in the suit, died and later on another advocate was engaged, and in the place of that advocate another advocate was engaged.

This Court asked the learned counsel for petitioner to indicate the dates of engagement, and it was stated that the last advocate was engaged in November 2011. The impugned order discloses that the evidence of plaintiff was closed on 05.12.2011 and the last advocate entered into appearance on 14.11.2014. The present Civil Revision Petitions were filed on 22.09.2015. In the circumstances, this Court sees no ground to interfere with the order passed by the trial Court, which reads as follows;

“As could be seen from the minutes of the proceedings, the notice was ordered to the petitioner as the advocate for the petitioner was died as

per the docket order Dt. 07/06/2007 and the matter adjourned to 05/07/07. On that day Sri G.Rama Rao, Advocate, filed vakalat on behalf of the petitioner. The matter underwent several adjournments till October, 2009 as the petitioner was not ready. Subsequently it underwent several adjournments for cross examination of P.W.1. The evidence on behalf of the Petitioner/plaintiffs was closed on 05/12/2011. The counsel who is appearing on behalf of the petitioner at present filed vakalat on behalf of the petitioner on 14.11.2014. When the brief changes from one advocate to another advocate certainly the advocate receives the bundle shall verify the same. According to the averments of the petition the documents were mixed in the bundle itself. Hence, it cannot be believed that the same could not be traced out for years together. The explanation offered by the petitioner for the delay in filing the documents is inadequate and not at all convincing. As the petitioner failed to explain the adequate reason as to why he could not file the documents along with the plaint or at least during the trial, in the considered view of this court the delay in filing the same cannot be condoned at the stage of arguments. Hence, it is just and proper to dismiss the petition.”

Accordingly, these Civil Revision Petitions are dismissed. There shall be no order as to costs.

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

A.RAMALINGESWARA RAO, J

30.11.2015

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Date: 30.11.2015

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