

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**CIVIL REVISION PETITION No.3490 of 2014**

**ORDER:**

The defendants 1 and 2 in O.S. No.585 of 2009 on the file of the Court of the learned I Additional Junior Civil Judge, Chittoor, are the petitioners herein. Respondent No.1 herein filed the above suit for declaration of title and permanent injunction in respect of Ac.0.29 cents, out of Ac.2.19 cents, in Survey No.141/D of Mangadanapalle, Kottalam Post, Yadamari Mandal, Chittoor District. The defendants filed a written statement in the year 2010. In the written statement, they have taken a stand that they have filed relevant revenue records, in original, in O.S.No.430/2009 and reserved their right to file the certified copies of those documents during pendency of the above suit, however, they filed Xerox copy of the plaint rough sketch along with the written statement. But, no steps were taken till 2014 for filing the documents, that were alleged to have been filed in O.S. No.430/2009. After closure of the evidence of the plaintiff and at the stage of defendants' evidence, the petitioners filed an application in I.A.No.539/2014 stating as follows:

“I submit that the above suit is posted today for adduce evidence on our side. I submit that previously we filed a suit in O.S. No.430/2009 on the file of IInd Addl. Junior Civil Judge, Chittoor against third parties in respect of the present suit schedule properties with specific boundaries for grant of permanent injunction and the said suit was decreed on 15-03-2013 in our favour. We filed all relevant documents in the said suit and the same are not returned till today inspite of filing a petition for return of the documents on 14-03-2014. We have obtained certified copies of decree and judgment and plaint rough sketch in the said suit in O.S. No.430/2009 and the same were misplaced in

my house and recently they are traced out and filed the same which are very essential documents to prove our case. Further we are filing office of copy of plaint filed in the said suit today. Therefore it is necessary in the interest of justice to grant leave to us to file the said documents in our evidence or else we will suffer loss.”

Respondent No.1-plaintiff filed a counter stating that he is not a party to O.S. No.430/2009 and that the alleged documents were no way connected to the present property. It was further stated that the present application is filed only to drag on the proceedings for some more time.

The trial Court considered the issue and observed that the suit property in O.S. No.430/2009 is in Survey No.141-K and it relates to an extent of Ac.0.03 cents of land, out of Ac.0.15 cents, but the present suit schedule property is to an extent of Ac.0.29 cents, out of total extent of Ac.2.19 cents, in Survey No.141/D. Accordingly, the trial Court dismissed the application, by order dated 11.08.2014.

Learned counsel for respondent No.1 submits that the evidence of defendants is closed and the suit is coming up for arguments.

In the facts and circumstances of the case and in view of the laches on the part of the petitioners in obtaining relevant documents even after the filing of written statement in the year 2010, and also on the ground that the said documents relate to some other Survey number with a different extent, there are no *bona fides* in the present application and the lower Court has taken the correct decision, which does not warrant interference in the present Civil Revision Petition.

Accordingly, this Civil Revision Petition is dismissed. There

shall be no order as to costs.

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

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**A.RAMALINGESWARA RAO, J**

08.12.2015

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