

IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH

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C.R.P.Nos. 2470, 2481, 2510 and 2523 of 2015

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Between:

_____ Anumala Krishnamoorthy

... Petitioner

and

_____ Sriramulu and others

-
... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 17.7.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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|---|---|-----------|
| 1 | <u>Whether Reporters of Local newspapers may be allowed to see the Judgments?</u> | <u>No</u> |
| - | | |
| 2 | <u>Whether the copies of judgment may be marked to Law Reports/Journals</u> | <u>No</u> |
| - | | |
| 3 | <u>Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?</u> | <u>No</u> |

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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COMMON ORDER:

Heard learned counsel for the petitioner.

The petitioner herein is the plaintiff in O.S.No. 396 of 2007 on the file of Additional Senior Civil Judge, Tirupati. He filed four applications, one for reopening of the suit, another for sending for documents marked in O.S.No. 198 of 1997 on the file of I-Addl. Junior Civil Judge, Tirupati, third one for recalling P.W.1 to mark documents and last one for leave to file documents. All these applications were dismissed by the trial Court under the orders which are impugned in these four revision petitions. Hence all these revision petitions are heard and disposed of together.

On the facts of the case it is evident that the petitioner has filed a suit for declaration and consequential injunction with regard to suit schedule properties. In the said suit, both the plaintiff and the defendants have led their evidence and thereafter the suit is coming up for arguments since June, 2014. At that stage, the petitioner/plaintiff filed the present applications for reopening the suit, to send for documents marked in

O.S.No. 198 of 1997 on the file of I-Addl. Junior Civil Judge, Tirupati and other applications as stated above. The trial Court found that there is no justification for the petitioner to make such a request at the fag end of the matter and that too almost a year after the suit was posted for arguments.

Learned counsel for the petitioner submits that the documents sought to be called for from another court are records relating to previous litigation and in spite of best efforts, the petitioner could not secure those certified copies and as a last resort, he has filed the present applications to call for documents marked in O.S.No. 198 of 1997 on the file of I-Addl. Junior Civil Judge, Tirupati, along with other applications. The learned counsel for the petitioner further states that since the suit schedule properties are in possession of the defendants, no prejudice would be caused to them, if the suit is reopened and the documents are called for and marked in the present suit.

I am unable to see any justification for the petitioner to seek such a prayer when the suit for declaration filed by the petitioner is pending for eight years and both sides have led their evidence and introduction of any new document by any of the party at this stage would necessarily prejudice the other party and it would lead to

putting the other party to rebut the evidence and thereafter the suit will remain pending for further longer time. Therefore, the present applications were rightly dismissed by the trial Court. Hence no interference is called for.

For the reasons given hereinabove, the civil revision petitions are dismissed along with miscellaneous applications, if any. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 17.7.2015
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