

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No. 4480 of 2016

Date: 17.09.2016

Between:

Smt. Sai Swarupa,
Visakhapatnam and another.

.. Petitioners

and

Rallapalli Anantha Padmanabha Sastry,
Visakhapatnam.

.. Respondent

Counsel for the Petitioners: Sri G. Rama Gopal

Counsel for respondent: --



ORDER:

This Civil Revision Petition arises out of order dated 24.03.2016 in I.A.No.20 of 2016 in O.S.No.788 of 2003 on the file of the IV Additional Senior Civil Judge (FTC), Visakhapatnam.

The respondent filed the aforementioned suit for declaration of title and delivery of vacant possession of the suit schedule property. After the trial was concluded when the case was posted for arguments, the respondent has filed the aforementioned I.A for recalling himself as P.W.1 for the purpose of marking separate copies of registered documents filed by the petitioners. In the affidavit filed in support of the application, the respondent has averred that while the case was being prepared for the purpose of arguments, he has noticed that certain pages in the registered document filed by the petitioners were fabricated; the original pages were removed and some other pages were inserted and that thereupon, they have obtained certified copies of the said document from which he came to know that the petitioners have fabricated the document. That in order to prove the said fact, he sought to file the certified copies and for the said purpose, he sought for reopening the evidence. Convinced by the aforementioned plea of the respondent, the lower Court has allowed the said I.A.

The only contention advanced by Mr. G. Rama Gopal, learned counsel for the petitioners, is that the lower Court has committed an error in allowing the application filed by the respondent at a belated stage when the case was being posted for arguments.

The suit is one in the nature of declaration of title. Therefore, the Court needs to make a comprehensive adjudication

of all the issues raised before it. If what the respondent pleaded is proved as correct, serious consequences would arise. The outcome of the suit may depend upon those facts pleaded by the respondent. Therefore, the lower Court has rightly afforded an opportunity to the respondent to reopen the evidence to enable him to file the certified copy of the document, the original of which was produced by the petitioners. The question whether the evidence could be reopened or not does not solely depend upon the stage at which the request is made. If the Court is satisfied that sufficient reasons exist, irrespective of the stage at which such request is made, it has the power and jurisdiction to reopen the evidence. As the respondent pleaded that during the course of arguments, it was noticed that the petitioners have fabricated certain pages of the original document produced by them, it has become necessary for him to obtain certified copy and file the same in order to prove such fabrication. In the light of the fact pleaded by the respondent, it cannot be said that he has not offered sufficient explanation for filing the application for reopening the evidence at the stage of arguments.

For the aforementioned reasons, I am of the opinion that the lower Court has not committed any error of jurisdiction in reopening the evidence to enable the respondent to adduce further evidence.

The Civil Revision Petition is accordingly dismissed.

As a sequel, C.R.P.M.P.No.5816 of 2016, filed by the petitioners for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

Date: 17.09.2016
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