

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos. 2591, 2592 and 2590 of 2016

COMMON ORDER:

The Civil Revision Petitions are filed under Article 227 of the Constitution of India, aggrieved by the orders dated 27.04.2016 passed in I.A.Nos.188 of 2016, 189 of 2016 and I.A.No.186 of 2016 in O.S.No.207 of 2010 on the file of the II Additional Junior Civil Judge, Chittoor, Chittoor District, A.P., wherein the petitions filed under Section 151, Order 18 Rule 17 and Order VII Rule 14(2) of C.P.C to re-open the suit, re-call PW1 for the purpose of marking of documents of registered sale deed and to permit the petitioner/plaintiff to file the documents for marking the same as exhibits on his behalf respectively were dismissed.

It is the grievance of the petitioner that he filed O.S.No.207 of 2010 to declare his right, title and possession of the property bearing Survey No.22/8 admeasuring Ac.0.34 cents situated at Pasumanda Village, Gudipada Mandal. Pending the said suit, the petitioner herein filed I.A.Nos.188, 189 and 186 of 2016 under Section 151, Order 18 Rule 17 and Order VII Rule 14(2) of C.P.C. A counter came to be filed opposing the applications stating that the documents now sought to be filed are fabricated documents and that the suit is posted for arguments after completion of evidence on both sides and that the petitioner took number of adjournments for production of the documents and filed the present petitions at a belated stage with a view of harass the respondents and to get unlawful gain. In view of the above, I.A.Nos.188 of 2016, 189 of 2016 and

I.A.No.186 of 2016 in O.S.No.207 of 2010 came to be dismissed. Hence, the present revisions came to be filed.

It is the case of the petitioner that these documents are to be brought on record to prove his possession and title over the said property.

It is to be noted that the suit is filed in the year 2010 and the documents which are executed in favour of the plaintiff are on 11.03.2015, which is subsequent to the filing of the suit. It is also to be noted that these documents came to be executed when the case in the main suit is posted for arguments. Further, the vendees of those sale deeds are relatives of the plaintiff as some of them were examined as witnesses on behalf of the plaintiff. Any transfer made during the pendency of the suit will hit by the rule of *lis pendens* and thrown any amount of doubt with regard to the execution of sale deeds. Hence, the trial Court rightly rejected the request of the petitioner.

Accordingly, C.R.P.Nos.2591 and 2592 of 2016 are dismissed. Insofar as C.R.P.No.2590 of 2016 is concerned learned counsel for the petitioner submits that he is not pressing the same. Hence, C.R.P. No.2590 of 2016 is dismissed as not pressed.

There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any, shall stand closed.

C. PRAVEEN KUMAR, J

15.07.2016

vhb