

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

CIVIL REVISION PETITION NO.4519 OF 2016

DATED:23-09-2016

Between:

Chintalapati Ajaya Raju

... Petitioner

And

The State of Andhra Pradesh
Rep. by District Collector
Visakhapatnam
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Kadiyam Neelakanteswara Rao

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.27.7.2016 in I.A. No.265 of 2016 in O.S. No.55 of 2009 on the file of the Principal Junior Civil Judge, Yellamanchili.

The petitioner filed the aforementioned suit for permanent injunction restraining the respondents from interfering with his alleged possession of the suit schedule property. After completion of the trial and when the case was coming up for arguments, the petitioner filed three I.As, namely, I.A. No.265 of 2016 for reopening the matter and permit him to adduce further evidence, I.A. No.266 of 2016 for recalling P.W.1 for the purpose of marking the documents and I.A. No.267 of 2016 for receiving the list of documents by condoning the delay. By common order dt.27.7.2016 the lower Court has dismissed all the three I.As.

In its order the lower Court has referred to the background in which the aforementioned IAs were filed by the petitioner. It is evident therefrom, the trial was commenced on 10.9.2009. On 5.11.2014 the petitioner filed his affidavit in lieu of the chief examination and got Exs.A.1 to A.5 marked on his side. The petitioner examined P.W.2 on 19.11.2014 and P.W.3 on 3.12.2014. The petitioner filed I.A. Nos.7, 8 and 9 of 2015 for reopening, for recalling P.W.1 and for receiving the documents respectively. These applications were allowed by order dt.14.10.2015. In pursuance thereof, the petitioner was recalled and allowed to mark Exs.A.6 to A.19 on 4.11.2015. Thereafter, the petitioner's evidence was closed on 25.11.2015. The suit later underwent nearly seven adjournments for completion of the evidence of the defendants and twelve adjournments for arguments. At that stage, the petitioner came up with the aforementioned I.As.

The facts narrated above would show that the lower Court has given the petitioner proper and sufficient opportunities to produce evidence on his side. Even after the evidence on his side was closed, the same was reopened and he was allowed to mark additional documents, namely, Exs.A.6 to A.19 as far back as 4.11.2015. Not being satisfied with the opportunities given to him, the petitioner has once again filed another set of IAs and sought reopening of the trial on the purported ground that he has obtained fresh documents from respondent No.2. This conduct of the petitioner shows that he is not diligent in pursuing his cause and is obviously seeking to procrastinate the trial by filing repeated applications seeking reopening of the evidence. The suit is of the year 2009 and the evidence was already closed after it was reopened once. In these facts of the case, the lower Court was justified in dismissing the application of the petitioner. Hence, I do not find any reason to interfere with the order of the lower Court.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.5870 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

23-09-2016

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