

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.4386 OF 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is preferred by the petitioners being aggrieved by the orders dated 22.07.2016 made in I.A.No.509 of 2016 in O.S.No.164 of 2010 by the Additional Senior Civil Judge, Tirupati, Chittoor District.

Heard the learned counsel for the petitioners and the learned counsel for the respondents. With their consent, the Civil Revision Petition is disposed of at the stage of admission itself.

Vide impugned order, the Court below dismissed the petition filed by the petitioners under Section 151 of the Code of Civil Procedure seeking to re-open the evidence of the plaintiff for the purpose of marking certain documents on the ground that the case was coming up for arguments.

This CRP is filed in the month of September, 2016 and no stay is granted by this Court. Hence, by this time, arguments in O.S.No.164 of 2010 also might be over. Even otherwise, coming to merits of the case, the petitioners filed the application seeking to re-open the evidence of plaintiffs when the matter was posted for arguments. It is the specific plea taken by the respondents before the Court below as well as this Court that the documents sought to be filed by the plaintiffs were not pleaded either in the plaint or in the chief affidavit. As seen from the averments of the affidavit filed in support of the application in I.A.No.509 of 2016, the petitioners

failed to adduce the manner in which the documents sought to be marked by the petitioners are relevant for the purpose of adjudication of the main suit. Considering these circumstances, this Court is not inclined to interfere with the impugned order at this stage and the CRP is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions pending in this Civil Revision petition, if any, shall stand closed.

Date: 30.12.2016
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C. PRAVEEN KUMAR, J

