

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4169 of 2016

Date: 02.09.2016

Between:

Kuracha Appala Naidu and 2 others

.. Petitioners

and

Kuracha Sanyasamma and another

.. Respondents

Counsel for the petitioners : Mr.Akurathi Rama Krishna

The Court made the following:



Order:

This Civil Revision Petition arises out of Order, dated 25-07-2016, in IA.No.353 of 2016 in OS.No.149 of 2014, on the file of the Court of the Principal Junior Civil Judge at Chodavaram, Visakhapatnam.

I have heard Mr.Akurathi Ramakrishna, learned Counsel for the petitioners, and perused the record.

The petitioners have filed the afore-mentioned suit for perpetual injunction against the respondents restraining them from interfering with their peaceful possession and enjoyment of the plaint schedule property. After the evidence on the petitioner's side was closed, they have filed an application for reopening the evidence of PW.1 for the purpose of producing some additional evidence. Accordingly, the application was allowed. During the further evidence of PW.1, when a copy of 1-B register, obtained by the petitioners under the Right to Information Act, 2002 (for short 'the RBI Act'), was sought to be marked, the same was objected to on the ground that it was not a certified copy. The lower Court has sustained the objection and declined to

permit the petitioners to adduce the said documents into evidence. Therefore, the petitioners have filed IA.No.353 of 2016, to reopen the suit for further evidence of PW.1 and to summon the Tahsildar, Cheedikada Mandal, to produce 1-B Register. This Application was dismissed by the lower Court.

From the afore-mentioned facts, it is clear that the earlier application filed by the petitioners for reopening the evidence of PW.1 and producing additional documentary evidence was allowed. Instead of availing the said opportunity by obtaining a certified copy of 1-B register, the petitioners sought to produce a copy of 1-B register obtained under the RTI Act. This Application was dismissed by the lower Court, and in my view rightly so, as a party is not entitled to repeated opportunities of reopening the evidence for his inability to adduce the relevant documentary evidence when such an opportunity was presented to him. If the petitioners were diligent enough, they ought to have obtained a certified copy of the 1-B register. For their failure in doing so, they cannot insist on summoning an official for production of the relevant record.

For the afore-mentioned reasons, I do not find any jurisdictional error or illegality or impropriety in the order of the lower Court warranting interference of this Court in exercise of its revisional jurisdiction.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.5417 of 2016, filed by the petitioners for interim relief, is disposed of as infructuous.

Dt: 2nd September, 2016
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(C.V.Nagarjuna Reddy, J)

