

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

CIVIL REVISION PETITION NO.3407 AND 3517 OF 2016

DATED:29-07-2016

Between:

Kilapathi Ramu
and others

... Petitioners

And

Maddi Appalakonda
and another

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Ravi Cheemalapali

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

COMMON ORDER:

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These two civil revision petitions arise out of common order dt.20.6.2016 in I.A. Nos.27 and 26 of 2016 in O.S. No.321 of 2000 filed under Order XVIII Rule 17 read with Section 151 of the Code of Civil Procedure, 1908, to recall P.W.1 for recording further evidence to mark unregistered sale deed dt.22.3.1992 and to produce the relevant evidence on the said document, and under Section 151 of CPC to reopen the evidence on the petitioners' side respectively. After detailed consideration of these applications, the lower Court has dismissed the same.

The admitted fact, which is not in dispute, is that at the petitioners' instance the unregistered sale deed dt.22.3.1992 was impounded on 23.8.2014. For the reasons best known to the petitioners, they have failed to mark the said document in evidence during the trial. After completion of the trial, the petitioners filed the above said applications in addition to I.A. No.28 of 2016 for sending the sale deed dt.22.3.1992 to the Bureau of Handwriting and Finger Prints Expert, Government of Andhra Pradesh, Hyderabad, for its opinion on the genuineness of the said document.

Except the ground that by inadvertence the document could not be produced, no other plausible reason was assigned by the petitioners for their failure to produce the said document which was very much in their custody and got impounded by themselves. As rightly pointed out by the lower Court, the petitioners failed to show any diligence or sufficient cause for not producing the impugned document in evidence during the trial. The suit being sixteen years old and the trial nearing completion, the IAs are highly belated and the lower Court has rightly dismissed the IAs. Hence, I do not find any reason to

interfere with the order of the lower Court.

As a sequel to dismissal of the civil revision petitions, C.R.P.M.P. No.4365 of 2016 in C.R.P. No.3407 of 2016 and C.R.P.M.P. No.4521 of 2016 in C.R.P. No.3517 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

29-07-2016

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