

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.3708 OF 2017

ORDER:

Heard learned counsel for petitioner and learned counsel for respondents 1 and 2.

This civil revision petition is filed against the order dated 30.06.2017, passed in I.A.No.391 of 2017 in O.S.No.131 of 2008 by the Court of the Senior Civil Judge, Markapur. The petitioner herein is the fourth defendant in the suit. The suit was filed for declaration of title in respect of property of an extent of 230 square yards in survey No.110 A/3 situated in Peda Dornala Village, Prakasam District. The suit was filed by respondents 1 and 2 herein. The issues were framed on 04.11.2009 and the trial commenced on 27.01.2011. The evidence on behalf of plaintiff was closed on 04.08.2014 and after taking number of adjournments, the evidence on behalf of the defendants was closed on 18.03.2016. When the case is coming up arguments, again after taking number of adjournments, the petitioner herein filed I.A.No.391 of 2017 to reopen the case and give opportunity to examine ten witnesses on its behalf and to mark documents through them. It was alleged in the affidavit that while giving evidence on behalf of Government, the predecessor of the petitioner did not bring relevant documents to the notice of the Court and he wanted to examine ten witnesses, including the District Collector, Sub Registrar, Tahsildar, Chief Executive Officer, Zilla Parishad, District Panchayat Officer and others. A counter affidavit was filed stating that the suit was filed in the year 2008 and nothing prevented the petitioner from adducing evidence. It was also stated that the present application was filed after dismissal of I.A.No.273 of 2017 by the Member of Mandal Praja Parishad. Some of the witnesses mentioned in the Affidavit are politically enmical to the petitioner.

The trial Court by its Order dated 30.06.2017 stated that the defendants took number of adjournments and filed the present application on 12.04.2017 and also observed that petitioners have not filed any Affidavits in lieu of Chief Examination of the proposed witnesses. It was also recorded that the petitioners have not filed any documentary proof to show that there are records from the District Collector substantiating the right of the defendants in the suit. It was also stated that since the suit is pending from 2008 and was coming up for arguments on 30.03.2016, the petition cannot be allowed and accordingly, the application was dismissed.

In the light of the above facts of the case, I asked the learned counsel for the petitioner with regard to the date of assumption of charge by the present Mandal Parishad Development Officer and he stated that the present Officer, who levelled allegations against the petitioner's predecessor took charge on 27.07.2015. If that is so, nothing prevented the petitioner from taking steps for adducing evidence. This Court sees that there are no *bona fides* in the application and the lower Court has not committed any error in dismissing the application.

The civil revision petition is accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

28.08.2017

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