

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.50 OF 2011

DATED : 17.08.2017

Between :

Kantipudi Veerraju S/o.Tatabhai @ Ammanna,
Aged 85 yrs, Cultivation,
R/o.Tallarevu Village,
Now R/o.Samalkot Village & Mandal,
East Godavari District & another

..

Petitioners

And

Nagedi Meera Sahib (died) & others.

..

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners/plaintiffs instituted suit to grant permanent injunction against the defendants. During pendency of the suit, petitioners filed I.A.No.317 of 2006 to summon the Mandal Revenue Officer to produce the documents mentioned therein. The said application was dismissed. Aggrieved thereby, petitioners filed C.R.P.No.1310 of 2006. This Court directed the petitioners to make appropriate application before the Mandal Revenue Officer, Tallarevu Mandal, to obtain required certified copies and file the same before the trial Court. It appears petitioners filed application before the Mandal Revenue Officer and obtained revenue records including enquiry report of the Revenue inspector. After obtaining the records petitioners filed I.A.No.450 of 2010 praying the trial Court to grant permission to file documents mentioned in the said petition. The trial Court by order dated 28.12.2010 partly allowed the petition by imposing costs of Rs.1500/-; granted permission to file the documents shown in I.A.No.450 of 2010 and rejected the prayer to file documents 6 to 9 mentioned therein. Trial Court held that petitioners were silent as to why the relevant documents were not obtained earlier and why those documents were not filed previously. Trial Court also observed that delay was not properly explained and no justifiable grounds were shown to condone the delay, with regard to the other documents i.e., certified copies of release deed and settlement deed. Trial Court opined that petitioners included those documents in addition to five documents

secured by them pursuant to the directions issued by this Court in C.R.P.No.1310 of 2006 and sought to bring them on record, which they could have done earlier and therefore, has not accepted the contention of the petitioners to receive those documents.

3. It is not in dispute that when petitioners filed I.A.No.317 of 2006 their grievance was only confined to summoning the Mandal Revenue Officer and production of documents mentioned therein. At that stage, this Court granted liberty to the petitioners to apply for the documents as sought by them and to file the same. Thus, the issue was confined to documents which petitioners wanted the Mandal Revenue Officer to produce. As facts would disclose petitioners have applied for the documents shown as item Nos.1 to 5 in the list of documents in I.A.No.450 of 2010, the trial Court has accepted filing of those documents. Thus, in the guise of securing documents from the Mandal Revenue Officer, consequent to the liberty granted to the petitioners in C.R.P.No.1310 of 2006, petitioners could not have sought to introduce some other documents. It is not the case of the petitioners that they were not aware of the relevancy of those documents earlier.

4. Learned counsel for the petitioners sought to contend that in the written statement filed on behalf of the respondents, they mentioned certain documents in their defence, but those documents were not marked and for proper adjudication of the litigation pending before the trial Court, the petitioners sought to introduce those documents.

5. As seen from the facts on record, by the time I.A.No.317 of 2006 was filed, the defendants have already filed written statement and the stand of the defendants was known to the petitioners but

they did not take steps to bring those documents on record at that stage.

6. I, therefore, see no error in the decision arrived at by the trial Court in partly rejecting the petition filed by the petitioners, and the Civil Revision Petition is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

17th August, 2017
Rds

P.NAVEEN RAO,J

