

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NOS.2321, 2322 AND 2425 OF 2017

C O M M O N O R D E R

These three revisions arise out of the common order dated 23.03.2017 passed by the learned VIII Additional Senior Civil Judge, Ranga Reddy District, in I.A.Nos.549, 550 and 551 of 2016 in O.S.No.2860 of 2006. These applications were filed by the petitioners herein, being defendants 3 and 4 in the said suit. I.A.No.549 of 2016 was filed under Section 151 CPC to reopen the suit for the purpose of marking documents. I.A.No.550 of 2016 was filed under Order 8 Rule 1-A read with Section 151 CPC to receive additional documents. I.A.No.551 of 2016 was filed under Order 18 Rule 17 read with Section 151 CPC to recall D.W.2. By the common order under revision, the trial Court dismissed all the petitions.

Perusal of the common order under revision reflects that the trial Court found that there was no representation for the petitioners when the I.As. were taken up for hearing; the suit itself, being of the year 2006, was coming up for arguments; the petitions were filed at a belated stage; no reason whatsoever was mentioned by the petitioners for not filing the petitions at the time when they were examined as witnesses; no reason was mentioned as to how the alleged documents were helpful to them; and the docket showed that written arguments had been filed by the defendants in the year 2014 and several adjournments were granted to them even at the stage of arguments in the years 2014, 2015 and 2016. The trial Court further recorded that no reason was given by the petitioners for not coming up with the applications at the time when the suit was first posted for arguments. Concluding that the intention of the petitioners was only to drag on the matter, the trial Court dismissed all the I.As.

Though the learned counsel for the petitioners would contend that the judgment and decree in O.S.No.102 of 2009 are crucial documents and require to be marked in the suit, perusal of the affidavit filed in support of I.A.No.550 of 2016, filed under Order 8 Rule 1-A CPC, reflects that no mention was made therein as to why the said judgment and decree were not filed along with the written statement.

That apart, Sri B.Venkateswara Rao, learned counsel on caveat for the 1st respondent/plaintiff, would point out that the written statement did not even refer to O.S.No.102 of 2009 and that the 1st respondent/plaintiff was not even a party thereto.

In any event, once the petitioners failed to comply with Order 8 Rule 1-A(3) CPC by offering a valid reason for securing the leave of the Court to file the documents belatedly, this Court finds no error in the order under revision as regards the disallowing of filing of these additional documents. Further, in the light of the other grounds cited by the trial Court referred to *supra*, it is clear that the petitioners were utterly negligent. So much so that there was no representation on their behalf when the I.As. were taken up for hearing. No indulgence could therefore be shown to them.

Be it viewed from any angle, this Court finds no grounds to interfere with the common order under revision dismissing the three I.As. The civil revision petitions are therefore found to be completely devoid of merit and are accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

28th JUNE, 2017

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