

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.1669 and 1721 of 2017

COMMON ORDER:

Since both these revisions are arising out of one suit, they are taken up together, heard and being disposed of by this common order.

Civil Revision Petition No.1669 of 2017 is preferred against the order dated 06.02.2017 passed in I.A.No.33 of 2017 in O.S.No.39 of 2006 whereby the I Additional Junior Civil Judge, Chittoor, dismissed the application filed by the petitioners under Section 151 of the Code of Civil Procedure seeking to re-open the matter for the purpose of adducing further evidence on behalf of the petitioners.

Civil Revision Petition No.1721 of 2017 is preferred against the order dated 06.02.2017 passed in I.A.No.34 of 2017 in O.S.No.39 of 2006 whereby the I Additional Junior Civil Judge, Chittoor, dismissed the application filed by the petitioner under Order XVI Rule 1 (2) of the Code of Civil Procedure seeking to summon the proposed witness and to cause production of documents to give evidence.

Heard the learned counsel for the petitioners and perused the material on record. There is no necessity to put respondents on notice, since no prejudice would be caused to them by the order being passed by this Court in these revisions.

The respondents filed O.S.No.39 of 2006 seeking permanent injunction. After the entire evidence is over and when the case is

posted for arguments, the petitioners herein filed the above said interlocutory applications seeking to re-open the case and also to summon the proposed witness to give evidence. It is the case of the petitioners that due to oversight, they have not examined the revenue authorities and the evidence of said authorities is very much essential to prove their case. Plaintiffs 2 to 5 filed counter contending that when D.W.1 has admitted in his evidence that DKT patta was issued in favour of the 1st plaintiff, there is no necessity to summon the Tahasildar concerned to produce the records more particularly the DKT patta. It is further contended that though DW1 claims that he was granted DKT patta by the Government, the same was not stated in the Written Statement. Therefore, the question of re-opening the case and summoning Tahasildar at the stage when the case is posted for arguments, does not arise. Having considered the rival submissions made, the trial Court dismissed the interlocutory applications rejecting the plea of the petitioners. Aggrieved by the same, present CRPs are filed.

Admittedly, the suit is of the year 2006 and it is at the stage of arguments. As seen from the affidavits filed in support of the applications, the petitioners intend to summon Tahasildar to prove their possession. At the same time, it is to be noted that DKT patta was granted in favour of the first plaintiff, as claimed by the plaintiffs. In the cross examination, DW.1 admitted that he was not issued the DKT patta, and the same was issued by the Government in favour of the first plaintiff. Such being the position, this Court is of the view that present applications filed by the petitioners seeking to re-open the case and summon the

Tahasildar are only to prolong the matter. Hence, I see no reason to interfere with the impugned orders and both the revisions are liable to be dismissed.

Accordingly, both the Civil Revision Petitions are dismissed. However, as the original suit is of the year 2006, the trial Court is directed to dispose of the suit, if not already disposed of, within a period of four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending in this revision, if any, shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

28.04.2017
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