

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.23, 25 and 26 of 2017

COMMON ORDER:

Since all these revisions are arising out of one civil suit and are related to each other, they are taken up together, heard and disposed of by this common order.

Assailing the order dated 02.12.2016 passed in I.A.No.506 of 2016 in O.S.No.397 of 2012 wherein the I Additional Junior Civil Judge, Chittoor, dismissed the application filed by the petitioner under Section 151 of the Code of Civil Procedure seeking to reopen the suit for the purpose of adducing further evidence and to amend the plaint, CRP No.23 of 2016 is filed.

Assailing the order dated 02.12.2016 passed in I.A.No.505 of 2016 in O.S.No.397 of 2012 wherein the I Additional Junior Civil Judge, Chittoor, dismissed the application filed by the petitioner under Order XVIII Rule 17 of the Code of Civil Procedure seeking to permit the petitioner to file the Survey Report, CRP No.25 of 2016 came to be filed.

Aggrieved by the order dated 02.12.2016 passed in I.A.No.524 of 2016 in O.S.No.397 of 2012 wherein the I Additional Junior Civil Judge, Chittoor, dismissed the application filed by the petitioner under Order XVIII Rule 17 of the Code of Civil Procedure seeking to recall P.W.1 in the suit for the purpose of marking the survey report, CRP No.26 of 2016 is filed.

There is no necessity to issue notice to respondents since this Court is not venturing to adjudicate the revisions on merits.

Heard the learned counsel for the petitioner and perused the material on record.

The facts in issue are as under:

Petitioner-Plaintiff filed O.S.No.397 of 2012 seeking declaration of title and permanent injunction restraining the defendants, their men, agents, servants and other followers from interfering with the peaceful possession and enjoyment of the plaintiff over the plaint schedule property. In said suit, plaintiff herself was examined as a witness and Smt.P.Kumari-3rd defendant was examined as D.W.1. She was also cross-examined at length. Thereafter, the matter was adjourned to 09.11.2016 for arguments. At that stage, plaintiff filed these petitions (1) to re-open the evidence, (2) to recall the witness and (3) to mark the survey report issued by the Tahasildar. Opposing the same, separate counters came to be filed. The trial Court rejected the requests of the petitioner. Challenging the same, these revisions are filed.

As seen from the material on record, the document sought to be marked is a Survey Report said to have been issued by the Tahasildar, which the petitioner claims to have obtained under Right to Information Act in the year 2010. After obtaining the said document, the present suit came to be instituted in the year 2012. But, the petitioner failed to file said document along with the suit or even at the time of adducing evidence on her behalf. After completion of evidence of D.W.1 and when the case is posted for arguments in the month of November, 2016, the present applications came to be filed. No reason is forthcoming from the petitioner as to why she kept quiet for such a long time without making any effort for marking of

such document at the earliest point of time. Apart from that, no cogent reasons are forthcoming for the delay in approaching the Court for marking of the document though the same was available with her from the very beginning. It also to be noted that the main suit is posted for arguments.

Considering all these circumstance, this Court is not inclined to entertain the revisions and the Court below was right in rejecting the requests of the petitioner. Hence, I see no reason to interfere with the same.

Accordingly, all the Civil Revision Petitions are dismissed.

Miscellaneous petitions pending in these revisions, if any, shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

10.03.2017
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