

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.5344, 5366 and 5452 of 2017

COMMON ORDER:

Since these revision petitions arise out of orders passed in Interlocutory Applications filed in one suit, they are heard together and disposed of by this common order.

2. These Civil Revision Petitions are filed under Article 227 of the Constitution of India challenging the orders, dated 21.07.2017 passed in Interlocutory Application Nos.623, 625 and 624 of 2016 in Original Suit No.152 of 1996 on the file of Principal Junior Civil Judge, Piler, wherein the applications filed to reopen the suit; to receive the documents and to recall P.W.1 for filing additional and further chief affidavit were rejected.

3. The facts, in issue, are as follows:

The petitioners, who are plaintiffs, filed the aforesaid suit for declaration of title and permanent injunction in respect of the suit schedule property. In the said suit, on behalf of the plaintiffs, P.Ws.1 to 4 were examined and Exs.A.1 to A.14 were marked. On behalf of the defendants, D.Ws.1 to 4 were examined and Exs.B.1 to B.4 were marked. At the time when the matter is posted for arguments, these applications came to be filed stating that D.Ws.1 to 3, who are alleged to be subsequent purchasers, denied the surname of Venkatreddy as "Mopuri" and filed document, dated 06.04.1914 in support of their claim. It is said that the father of the petitioners sold some extent of property in favour Venkatrami Reddy and K.Bhaskar Reddy on the eastern side of the 18 feet road with boundaries of defendants 1 and 2 lands. Defendants 1 and 2

laid house plots on eastern side of permanent ridge and in the eastern side of suit survey number as stated in written statement plan and sold the same to third parties in the year 1998 under registered sale deeds, dated 09.02.1998 and 10.02.1998. Defendants 1 and 2 clearly mentioned in the said sale deeds that the house site of D.Venkatrami Reddy and K.Bhaskar Reddy as on western boundary of defendants 1 and 2 lands. The father of petitioners sold house plot under sale deed, dated 14.10.1992 and he also filed surrounding land owners' documents showing the location of petitioners' land. Defendants 1 and 2 by colluding with defendant No.3 created fake document, dated 06.07.2009, knowing about pendency of the suit and the 3rd defendant is now giving trouble to the rights of petitioners. Hence, the aforesaid petitions were filed.

4. Respondent Nos.1 and 2 filed counter denying the averments made in the petition stating that though the petitioners amended their plaint three times, there is no reference to these documents in said the petition; that the suit is 20 years old and if the petitions are allowed, the respondents will be deprived of their right to rebut the new evidence; that the petitions are filed only to fill up the lacunas and that the alleged documents are subsequent to filing of the suit and hence, prayed to dismiss the petitions.

5. The Court below, after considering the material on record, dismissed the petitions.

6. Heard learned counsel for the petitioners and the respondents/caveator.

7. Learned counsel for the petitioners would submit that the proposed documents sought to be marked are essential for proper and effective adjudication of the dispute and hence, prays to set aside the impugned orders.

8. Learned counsel for the caveator opposed the same.

9. As seen from the record, the suit is of the year 1996 and it is posted for arguments. Earlier also, the petitioners filed I.A.No.87 of 2013 to receive the documents and the same was allowed, but there was no reference of these documents in the application. It is said that the learned counsel for the petitioners failed to get these documents marked at that point of time. But, I am not willing to accept the same, more so, when the evidence is over and case is posted for arguments. It is also to be noted that the impugned order came to be passed in the month of July, 2017 and the present petitions came to be filed in the month of October, 2017.

10. Taking into consideration the totality of the circumstances, more particularly as the suit is of the year 1996 and posted for arguments, I see no reason to allow civil revision petitions.

11. Accordingly, these Civil Revision Petitions are dismissed. Miscellaneous petitions, if any, pending in these petitions shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

OCTOBER 27, 2017

YVL

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Dt:27.10.2017

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