

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**Civil Revision Petition No. 6375 OF 2016**

**ORDER:**

This Civil Revision Petition is filed against order dated 03.12.2016 in I.A.No.718 of 2016 in O.S.No.642 of 2005, wherein the Court below dismissed the application filed by the petitioner under Section 151 of CPC for reopening the case for the purpose of filing link documents and also to examine the attesor of document, one of the executant of Ex.A16 and also to examine the attesor of Ex.A17.

Heard Sri M.Ram Mohan Reddy, learned counsel for the petitioner and Sri Gudi Madhusudhan Reddy, learned counsel for the respondents.

Learned counsel for the petitioner submits that the link documents were obtained recently and immediately, petitioner filed application for filing said documents. But the Court below erroneously dismissed the application. In support of his contention, he relied on the judgment reported in **K.K.Velusamy v. N.Palanisamy**<sup>1</sup>.

On the other hand, learned counsel appearing for the respondents submits that the suit is of the year 2005 and the present application is filed in the year 2016, i.e., after 11 years of filing of the suit. He submits that earlier, the petitioner filed several interlocutory applications and one of the interlocutory applications for amendment of the plaint, which was allowed by the trial Court. Aggrieved by the same, the respondents herein

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<sup>1</sup> 2011 LawSuit (SC) 271

filed CRP No.2514 of 2016, which was allowed by this Court on 06.06.2016 by dismissing the I.A. He submits that the trial Court has rightly dismissed the application of the petitioner. In support of his contention, he relied on the judgments of this Court in CRP No.2997 of 2013, dated 13.11.2013, CRP No.534 of 2016, dated 01.03.2016 and C.R.PNos.3624 of 2014 & batch, dated 15.02.2016.

In this case, it is a fact that the suit is filed in the year 2005 and that the petitioner also filed several interlocutory applications including an application for amending prayer in the plaint, which was allowed by the Court below and the same was reversed by this Court in the CRP filed by the respondents herein. In the affidavit filed in support of the application, there is no whisper about what was the reason for not filing those documents at an early stage, **except** stating that they are unable to file the link documents. **Admittedly**, the suit is at the stage of arguments. The Court below also found that the petitioner is negligent in making such application and not inclined to reopen the suit. Even a perusal of the order of the Court below clearly goes to show that the Court below has considered the plea raised by the petitioner and dismissed the application.

In view of the same, I do not see any infirmity or illegality in the order passed by the Court below warranting interference of this Court under Article 227 of the Constitution of India.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this Civil Revision Petition shall stands dismissed.

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**A.RAJASHEKER REDDY,J**

07-02-2017

kvs



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