

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.1592 of 2017

ORDER:

Petitioner herein is the plaintiff in O.S.No.85 of 2013 on the file of the Principal Junior Civil Judge, Chirala. He filed the said suit for the relief of permanent injunction. The evidence in the said suit was concluded and at the stage of arguments, the petitioner filed I.A.No.277 of 2017, seeking to reopen the suit for the purpose of adducing further evidence, with the following averments:

"I submit that the above suit filed against the defendants for granting of permanent injunction. The said suit was posted for arguments on my side. The defendants filed some sale deeds and other irrelevant records in the suit. Ex.B1 is registered sale deed, dated 24.11.1955 stands in the name of Marrie Rangamma bearing document No.1891 is the fabricated document and the same was created by D.W.1 for the purpose of grabbing my property. The defendants basing on Ex.B1 document and claiming the suit schedule property, without any manner of right and title and possession over the suit schedule property. Ex.B1 stamps are purchased in different names and different years and the defendants are created a sham and nominal document. Hence, I advised to file this application.

Therefore, I pray the Hon'ble Court may be pleased to reopen the matter for the purpose of summoning the witness, otherwise I will be put to great loss."

The respondents herein filed a counter stating that if there is any doubt with regard to the genuineness of Ex.B1-sale deed, the petitioner could have obtained certified copy of the sale deed from

the SRO, Chirala and filed the same in the Court. But, in order to protract the litigation, the application was filed.

Considering the rival contentions of the parties, the trial Court dismissed the application by order, dated 28.02.2017, with the following observations:

“This suit admittedly stands at fag end, but petitioner without getting ready for arguments filed these two applications for the purpose of establishing that sale deed dated 24.11.1955 stands in the name of Marrie Rangamma is a fabricated document. The petitioner sought issuance of summons to sub-registrar, Chirala for cause production of original document dated 24.11.1955 vide document No.1891 and also to give evidence on petitioner side in other application. But on careful scrutiny of the relevant material on record, respondent No.2 examined himself as D.W.1 and got marked original document dated 24.11.1955 as Ex.B2. But petitioner innocently seeking such a document without application of his mind and such conduct of petitioner is very condemnable. More over the present suit is filed for bare injunction, hence petitioner has to prove the fact that he is in possession and enjoyment over schedule property as on the date of filing this suit. There is no dispute regarding title of the parties. In a suit for bare injunction this Court has to see the title of the parties incidentally but not primarily. Hence, this Court is of considered view either reopening of the suit or issuance of summons to Sub-Registrar, Chirala would no way serve any purpose to substantiate the contention of petitioner. The petitioner got filed affidavit in a vague and uncertain manner without application of mind. Such conduct of petitioner made it clear that he did not know what is happening in this suit, but filed this petition only with a view to procrastinate and dodge the matter. There are no merits in this petition and it vexatious.

I am in agreement with the order passed by the trial Court and it does not warrant any interference by this Court.

The civil revision petition is accordingly dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

A.RAMALINGESWARA RAO,J

Dt:09.06.2017

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