

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.Nos.2251, 2153 and 2156 of 2017

COMMON ORDER:

These three Revision Petitions are filed challenging the orders dt.07-03-2017 in I.A.Nos.142 of 2017, 141 of 2017 and 140 of 2017 to receive the documents and mark the same, to recall P.W.2 for the purpose of marking the documents and to reopen the plaintiff's evidence for the purpose of recalling of P.W.2 and marking the documents, respectively.

2. Petitioner is the plaintiff in the suit. She filed the suit for permanent injunction as well as mandatory injunction against the respondents. The evidence on the side of the petitioner was closed in the year 2014. The matter is coming up for defendants' side evidence. At that stage, she filed the above three I.As.

3. In the affidavit filed in support of these applications, she stated that certain photographs had been taken in December 2010; that the suit came to be filed on 19-01-2011; and at the time these photographs were filed, but by oversight, in the list of documents mentioned in office copy of the plaint, photos were not noted and they could not be marked at the time of her evidence. She stated that her advocate then traced out the photographs and advised her to file the present application.

4. Counter affidavit is filed by the respondents opposing the applications and denying the allegations made by her.

5. By order dt.07-03-2017, the Court below rejected the said applications stating that the evidence of the petitioner had been closed in 2014 itself, that there is huge delay in filing these documents and that the Court is not satisfied with the reasons furnished by the petitioner.

6. Though the learned counsel for the petitioner sought to contend that injustice would be caused to the petitioner, if these applications are not allowed, the fact remains that the petitioner and her counsel both neglected in filing these photographs along with the plaint or when P.W.2 was giving evidence.

7. Admittedly, these applications have been filed six years after filing of the suit and three years after the evidence on the side of the petitioner was closed.

8. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court.

9. Accordingly, all the Civil Revision Petitions are dismissed. No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-04-2017
Kvr