

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.Nos.4465, 4545 and 4567 of 2017

COMMON ORDER :

Since common issue arises between the same parties in all these three Civil Revision Petitions, they are being disposed of by this common order.

2. These Revisions are filed challenging the order dt.18.08.2017 in I.A.No.1010 of 2017 in O.S.No.40 of 2006, I.A.No.1008 of 2017 in O.S.No.40 of 2006 and I.A.No.1009 of 2017 in O.S.No.40 of 2006 on the file of III Additional District Judge, Tirupathi.

3. The petitioner herein is plaintiff in the above suit.

4. She filed the suit in 2003 for partition of the plaint schedule properties.

5. After the evidence of petitioner was concluded and the defendant's evidence was coming up, the petitioner filed I.A.Nos.1010 of 2017, 1009 of 2017 and 1008 of 2017 invoking Order VII Rule 14 (3) of Civil Procedure Code, to grant relief to file certain documents, to re-open the suit, and to recall PW.1 to mark those documents.

6. These applications were opposed by the other side contending that these were filed at a belated stage.

7. The lower court upheld the said objections stating that petitioner did not assign any reason why she could not file the documents at an earlier date, and that the present applications were filed three years after the closure of evidence on her side.

8. Assailing the same, the present Civil Revision Petitions were filed.

9. The counsel for petitioner(s) contended that grave prejudice would be caused if the documents in question are not received by the Court, the evidence of plaintiff's side is not re-opened, and PW.1 is not recalled.

10. Admittedly, these documents which are sought to be produced by petitioner are for the purpose of confronting the same to the defendants.

11. No permission is required for the said purpose under Clause (4) of Order VII Rule 14 C.P.C.

12. Therefore, the three applications filed by the petitioner were unnecessary, and the petitioner could have confronted the said documents to the defendants when they were in the witness box without seeking any permission from the Court.

13. When the very applications are unnecessary, there is no necessity for this Court to interfere with the orders passed by the Court below.

14. Accordingly, the Civil Revision Petitions are dismissed. No order as to costs.

15. As a sequel, miscellaneous petitions pending if any in these Civil Revision Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-11-2017

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