

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CIVIL REVISION PETITION No.399 of 2017**

**ORDER:**

1) Aggrieved by the order, dated 05.12.2016, passed in I.A.No.554 of 2016 in O.S.No.112 of 2007 on the file of the IV Additional District Judge, Tirupati, wherein an application filed under Order VII Rule 14(3) of the Code of Civil Procedure seeking leave of the Court to file certain documents was rejected, the present C.R.P. is filed under Article 227 of the Constitution of India.

2) The petitioner/plaintiff filed the above suit i.e., O.S.No.112 of 2007 on the file of the IV Additional District Judge, Tirupati, for re-conveying plaint "A" schedule property, by executing a sale deed and get the same registered at his expenses, as per the sale agreement dated 24.12.2004 and rectification letter dated 25.01.2006. Issues in the said suit came to be framed on 07.07.2009 and thereafter additional issues were framed on 24.11.2016. The circumstances, which made the Court to frame additional issues is the order dated 11.06.2014 passed in W.P.No.8580 of 2014. In the said case, a Division Bench of this Court after hearing the plaintiff and the District Collector, Chittoor and two others held as under:-

"After hearing the counsel for the petitioner, it is clear that the petitioner is ready and willing to clear off the entire debt of late M.Raghava Reddy, towards 3<sup>rd</sup> respondent. Hence, we direct the petitioner to deposit the entire outstanding debt of M.Raghava Reddy and pay the same to the 3<sup>rd</sup> respondent, within a period of

two (02) months from today. The 3<sup>rd</sup> respondent is directed to deposit the title deeds of the suit property in O.S.No.112 of 2007 on the file of the learned IV Additional District Judge, Tirupati."

3) Subsequent to the passing of the above order, two additional issues came to be framed on 24.11.2016.

1) Is the loan amount of Rs.46,23,082.00 discharged by the plaintiff in relation to the suit property?

2) Is the second defendant complied with the directions of the Hon'ble High Court of A.P. in W.P.No.8580 of 2014?

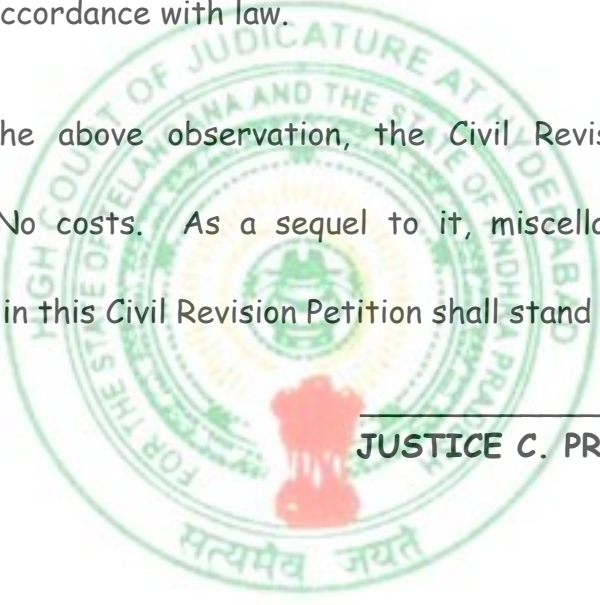
4) In view of the order of this court in the above writ petition and as the said order was complied with, the petitioner wants to place on record the said documents, but the said application came to be rejected on the ground that the petitioner/plaintiff has to establish his case only on the basis of the pleadings in the plaint and not otherwise. It has been held that subsequent evidence cannot be taken into consideration and the result of the suit will be only on establishing the pleadings took in the suit by the plaintiff and not otherwise.

5) At this stage, learned counsel for the respondent would submit that unless the averments in the plaint are amended, the trial court was right in holding that the suit has to be decided basing on the pleadings in the suit. For which, learned counsel for the petitioner would submit that he has filed I.A.No.34 of 2017 seeking amendment of the plaint, which is still pending.

6) It is to be noted here that without amending the averments in the plaint, issues are already framed in respect of events, which took place after filing of the suit. Neither the petitioner nor the respondents have challenged the framing of the issues.

7) But, however, since the issues are already framed and as these documents, which are sought to be placed on record are relevant to prove the issues, the trial court shall decide I.A.No.34 of 2017 forthwith and thereafter take steps to bring these documents on record, in accordance with law.

8) With the above observation, the Civil Revision Petition is disposed of. No costs. As a sequel to it, miscellaneous petitions pending if any in this Civil Revision Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

Dt:13.06.2017  
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