

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION NOS.4240 & 4264 of 2017

COMMON ORDER :

These civil revision petitions came to be filed, aggrieved by the common order dated 02.06.2017, passed in I.A.Nos.591, 592, 593 of 2017 in O.S.No.32 of 2007, wherein the request of the petitioner to reopen the suit for the purpose of adducing evidences for making the documents came to be rejected.

2. The facts of the case are that the plaintiff filed a suit seeking specific performance of contract in respect of A and B schedule properties. The defendants filed a written statement. It was stated in the written statement that the plaintiff has created forged agreements for the purpose of making a false claim over the schedule properties. It is the case of the petitioner that the opinion of hand writing expert is very much essential for a just decision and as such the same needs to be marked by opening the case. A counter came to be filed opposing the same. It is stated that the petitioner herein cannot file the affidavit on behalf of defendant Nos.1 to 4, without an explicit authorization from them. It is pleaded that the alleged expert opinion is in no way relevant to the case of the petitioner. The petitioner herein has previously filed a petition to reopen the suit to adduce his evidence, after the closure of the defendants' evidence, which was allowed. Even at that time, the petitioners failed to make such a request and hence prayed to dismiss the applications. After perusing the records and considering the matter

in detail, the trial Court rejected the request of the petitioners therein. Aggrieved thereby, the present revisions came to be filed.

3. It is to be noted that the present applications came to be filed by the petitioner at a very belated stage. Even on earlier occasion, the application filed by the petitioner for examining himself as DW3 was considered and after examining, the evidence of DWs.4 and 5 was marked, which was however eschewed. It is also to be seen that after hearing the entire case and when the case is posted for arguments, the applications came to be filed. Further, as per the counter averments made by the plaintiff, the petitioner herein is not a party to the suit agreement or the legal heir of the executants of the suit agreement and hence he cannot step into the shoes of either the executants or the legal representatives of the executants.

4. In view of the above circumstances, I see no merits in the revisions and hence both the revisions are dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

01.09.2017  
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