

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.5393 and 5394 of 2017

COMMON ORDER:

1) C.R.P.No.5393 of 2017 is filed, aggrieved by the order dated 12.09.2017 passed in I.A.No.637 of 2017 in O.S.No.10 of 2011 on the file of the Additional Junior Civil Judge, Chittoor, wherein an application made under Order VIII Rule 3 of C.P.C. praying the Court to permit the petitioner to file a certified copy of Form-1 B pertaining to Khatha No.1513 standing in the name of one R.Sujatha, was rejected.

2) C.R.P.No.5394 of 2017 is filed, aggrieved by the order dated 12.09.2017 passed in I.A.No.638 of 2017 in O.S.No.10 of 2011 on the file of the Additional Junior Civil Judge, Chittoor, wherein an application made under Section 151 C.P.C. praying the Court to re-open the suit, was rejected.

3) Since the issue involved in both the Civil Revision Petitions filed under Article 227 of the Constitution of India are interconnected, they are being disposed of by this common order.

4) The petitioner herein is the defendant and the respondent herein is the plaintiff in O.S.No.10 of 2011. For the sake of convenience, the parties hereinafter be referred to as arrayed in the suit.

5) The facts in issue are as under:

The respondent/plaintiff filed the above suit seeking permanent injunction restraining the petitioner/defendant, her men, agents, servants etc. from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the plaint schedule property. A written statement came to be filed by the defendant in the same year. After completion of entire trial and when the case is posted for arguments, the defendant filed the present applications seeking to re-open the suit and also to permit her to file the certified copy of Form-1 B pertaining to Khatha No.1513 standing in the name of one R.Sujatha, on the ground that the land stands in the name of one Sujatha and the claim of the plaintiff that the said khata stands in his name is false.

6) A counter came to be filed by the plaintiff opposing the same contending that the petition is filed at a belated stage, that too after closing the evidence and the document which is sought to be filed is not a genuine document. It is further pleaded that the said document is not necessary for adjudicating the suit.

7) After considering the arguments advanced, the trial Court dismissed both the petitions. Aggrieved by the same, the present revision petitions are filed.

8) As stated by the learned counsel for the petitioner that the case is now posted for arguments. The case of the petitioner is that the property does not belong to the plaintiff and that it belongs to one Sujatha. The said Sujatha is not the applicant

herein. On the other hand, it is the case of the petitioner that she is the owner of the property and she has purchased the same from the legal heirs of the vendors of the plaintiff. She also claims to be the owner of the property through the means referred to above. When she claims to be the owner of the property, having purchased the same from the legal heirs of the vendors of the plaintiff, she can prove it by adducing evidence. It is not the case of the petitioner that the said Sujatha, in whose name Khata No.1513 stands is the legal heir of the vendors of the plaintiff. Such being the stand of the petitioner, there is no need to bring the said document on record.

9) Having regard to the above, as the entire trial is over and the case is posted for arguments, I see no ground to interfere with the order though the procedure permits in exceptional cases filing of documents even after arguments.

10) Accordingly, both the Civil Revision Petitions are dismissed. There shall be no order as to costs. As a sequel thereto, Miscellaneous Petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

13.10.2017
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