

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.5662 and 5694 of 2016

COMMON ORDER:

Since both these revisions are arising out of one civil suit and are between the same parties, they are taken up together, heard and being disposed of by this common order.

Civil Revision Petition No.5662 of 2016 is filed by the petitioner-plaintiff challenging the order dated 06.09.2016 passed in I.A.No.729 of 2016 in O.S.No.427 of 2012 by the II Additional Junior Civil Judge, Chittoor, whereby the application filed by the petitioner under Order VII Rule 14 (3) and Section 151 of the Code of Civil Procedure seeking permission to file relevant documents was dismissed.

Civil Revision Petition No.5694 of 2016 is filed by the petitioner-plaintiff challenging the order dated 06.09.2016 passed in I.A.No.728 of 2016 in O.S.No.427 of 2012 by the II Additional Junior Civil Judge, Chittoor, whereby the application filed by the petitioner under Section 151 CPC seeking to reopen the matter for the purpose of filing the documents was dismissed.

Heard the learned counsel for the petitioner.

The case of the petitioner-plaintiff is that at the time when the main suit was posted for arguments, it was noticed by his counsel before the Court below that in written statement, the defendants have stated that the house of the petitioner bearing D.No.16-340 is not adjacent to the house of the defendants and suggestions were also put in the cross-examination to that effect.

Hence, in order to prove the said aspect the petitioner intended to file photographs of his house, defendants' house and AADHAR card. Seeking to receive the said documents, I.A.No.729 of 2016 was filed and seeking to re-open the matter for the purpose of filing of documents, I.A.No.728 of 2016 came to be filed.

Separate counters came to be filed before the Court below stating that the suit schedule property is only a passage and the documents sought to be filed by the petitioner have nothing to do with the suit proceedings. It is further contended that Exs.A.7, B.1 to B.3 clearly show that house of the plaintiff is situated to the west of the Hakim Saheb Street and she is residing therein. The said fact was also admitted during the evidence of PWs 2 and 3. Hence, it was prayed that the I.As. may be dismissed.

After hearing the rival submissions made and perusing the material on record, the Court below rejected the requests of the petitioner vide impugned orders. Challenging the same, present CRPs are filed.

As seen from the material on record, the written statement came to be filed in the year 2013 denying the claim of the plaintiff that houses of the plaintiff and defendants are adjacent to each other. Till the year 2016, no steps have been taken to adduce evidence though the plaintiff was aware of the defence taken by the defendants. The said defence is not only reflected in the written statement but also in cross-examination of PWs 2 and 3 and also in Exs.A.7, B.1 to B.3 and B.6. It is also to be noted that no explanation is forthcoming from the plaintiff as to why he kept quiet for such a long time, for seeking re-opening of the matter. It

is pertinent to mention here that the main suit is now posted for arguments. Having regard to these circumstances, this Court is of the view that CRPs are devoid of merit and liable to be dismissed.

Accordingly, both the Civil Revision Petitions are dismissed.

Consequently, miscellaneous petitions pending in these revisions, if any, shall stand closed. No costs.

C. PRAVEEN KUMAR, J

23.02.2016
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