

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos. 6274 & 6280 of 2017

COMMON ORDER:

Heard.

These Civil Revision Petitions came to be filed challenging the dismissal of I.A.Nos.1321 and 1322 of 2017, seeking to recall and receive the documents for the purpose of marking.

Today, when these matters were taken up for hearing, learned counsel for the petitioner placed on record the judgment of the learned Single Judge reported in *Kolli Ranga Rao and another Vs. Kolli Varalakshmi Janani*¹, to show that even if an application for re-opening is not filed, still the Court can order adducing of further evidence.

But situation now is different. In the instant case, the application for reopening the evidence was filed, which was rejected. Challenging the same, the CRP No.6277 of 2017 was filed, which was also dismissed.

As seen from the record, C.R.P.No.6277 of 2017 which was filed seeking reopening of the case, was dismissed on 17.11.2017, holding as under:

“The learned counsel for the petitioner is not able to state as to how LIC premium receipts are necessary to determine the claim of the petitioner. Insofar as the sale deed is concerned, it is not the case of the petitioner that the same came into existence after filing of the suit since the document is of the year 1952. The petitioner has not explained

¹ 2011 (3) ALD 547

properly why the said document could not be filed at the time of filing the suit or at least before closure of the evidence. The only reason given by the petitioner for not producing the said document earlier was that it has been traced recently, which in my opinion is not acceptable. The affidavit is silent as to when it was traced and the efforts made to get a copy of the sale deed. No other document is placed on record to show that the defence taken during the evidence and also as to how and why the documents sought to be marked are necessary to substantiate the petitioner's claim. Admittedly, the entire evidence in the suit is closed and the suit is coming up for arguments. It appears that only to prolong the litigation the present I.A. came to be filed. Hence, I feel that the trial Court has rightly rejected the request of the petitioner.

In the aforementioned facts and circumstances of the case and in view of the recent decisions of this Court as referred to above, I do not find any reason to interfere with the order of the trial Court.

The Civil Revision Petition is, accordingly, dismissed."

Such being the position, question of recalling or receiving the documents for cross examination cannot be accepted.

Accordingly, these Civil Revision Petitions, which are filed seeking recall and receiving of documents cannot be entertained and the revision petitions are dismissed. No costs.

As a sequel thereto, Miscellaneous Petitions pending if any in these Civil Revision Petitions, shall stand closed.

C. PRAVEEN KUMAR, J

22.12.2017
vnb