

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No.6277 of 2017

ORDER:

This Civil Revision Petition arises out of order, dated 24.10.2017, in I.A.No.1320 of 2017 in O.S.No.725 of 2009 on the file of learned I Additional Senior Civil Judge, Rajamahendravaram, East Godavari District.

2. The petitioner, who is plaintiff No.3, pleaded that he along with other plaintiffs filed O.S.No.725 of 2009 seeking declaration of title and possession of the suit schedule properties, against which, a written statement was filed by the respondents/defendants. The suit is coming up for arguments after the closure of the entire evidence. At that stage, I.A.No.1320 of 2017 came to be filed by the petitioner and other plaintiffs seeking to reopen the evidence for the purpose of recalling P.W.1 for marking certain documents. Having regard to the fact that these documents came to be filed at a very belated stage, the trial Court dismissed the I.A. Challenging the same, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner would submit that the documents sought to be marked are very much essential for his claim in the suit filed for declaration of title and possession of the suit schedule properties. It is urged that the sale deed i.e., one of the documents sought to be marked, which was misplaced, has been traced recently and therefore, the petitioner filed the present I.A. In support of his submissions, the learned counsel placed reliance on the decision of this Court in Nallapati Balaramaiah vs. Manugoti Sri Lakshmi¹ and

¹ 2012 (6) ALT 547

submitted that an opportunity may be given to the petitioner, at least, by imposing reasonable costs.

4. A perusal of the decision relied upon by the learned counsel for the petitioner shows that it was a case where the trial Court allowed I.As. filed by the plaintiffs for reopening the evidence for the purpose of marking certain documents and this Court disposed of the revisions filed by the defendants by imposing costs for the long delay in filing the I.As. It was the case of the plaintiffs therein that the documents sought to be marked were in the custody of their relatives and considering the same and in view of the discretion exercised by the trial Court, this Court did not interfere with the order except imposing costs. The case on hand stands on a different footing and the decision relied upon do not come in aid of the petitioner. In recent decisions of this Court in S.Harshavardhan Reddy vs. Vemula Ram Reddy² and Dhatla Lakshmipathi Raju vs. P.Venkata Ramana³, this Court observed that filing of the interlocutory applications by the parties, at their leisure, for one reason or the other, after closure of the entire evidence, without reasonable excuse, should not be permitted; that this laidback approach of one party causes prejudice to the interests of the other party and that if such a course is permitted, the endeavour of the Courts for early disposal of the cases will be frustrated.

5. As seen from the record, the suit is of the year 2009 and nearly seven years later, I.A.No.1320 of 2017 came to be filed for reopening the evidence for the purpose of marking certain documents i.e., sale deed of the year 1952, along with some original L.I.C. premium receipts.

² 2015(1) ALT 306

³ 2017(4) ALT 386

The learned counsel for the petitioner is not able to state as to how the L.I.C. 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 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.

6. 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.

7. The Civil Revision Petition is, accordingly, dismissed.

8. As a sequel, miscellaneous petitions, if any, pending for consideration shall stand dismissed of as infructuous.

17th November, 2017
GHN

C.PRAVEEN KUMAR, J

