

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos.5841 AND 5946 OF 2017

COMMON ORDER:

Both the civil revision petitions are being disposed of by this common order as the parties in both the civil revision petitions are same and the said revision petitions are filed challenging the common order, dated 21.09.2017, passed in I.A.Nos.87 and 88 of 2017 in O.S.No.5 of 2012, on the file of the Court of the Junior Civil Judge, Udayagiri.

The petitioner herein is the first defendant in O.S.No.5 of 2012 on the file of the Junior Civil Judge, Udayagiri. The first respondent herein filed the said suit for permanent injunction against the petitioner herein and respondents 2 to 4. The evidence of the plaintiff and the defendants was completed on 04.05.2017, but at the stage of further evidence of defendants, after examination of D.W.3, I.A.Nos.87 and 88 of 2017 were filed on 24.08.2017 to recall D.W.1 for marking the documents filed along with I.A.No.88 of 2017 and cross examination in the above suit, and to condone the delay in filing the documents, respectively. No reasons were assigned in the Affidavit filed in support of both the applications. The documents sought to be produced is 'CD data file (2 barren photos)'. A counter affidavit was filed stating that the application was filed only to drag on the proceedings. The trial Court dismissed both the applications by common order dated 21.09.2017 with the following reasoning.

'The specific contention of the respondent is that this petition is filed only to drag on the proceedings. Upon perusal of the docket, the plaintiff's evidence was closed on 08.02.2016 but the defendants drag on the proceedings on one pretext or another and ultimately his examination was completed on 04.05.2017 with continuous efforts of this Court. Now this matter is at the stage of further evidence of defendant after examination of D.W.3. Previously also the petitioner filed petitions in I.A.No.78 of 2017 and 79 of 2017 to recall D.W.1 for admission of document and recalled his evidence for that purpose. Both the petitions were allowed on 08.08.2017 and he was permitted to exhibit the adangals for fasli 1427 in Ex.B.6 on 08.08.2017. Again the petitioner filed this petition to receive the documents and to recall D.W.1 which clearly shows that

the conduct of the petitioner in conducting the case in negligent manner. Moreover, the petitioner is habituated in filing number of petitions and as such, the conduct of the petitioner is also disentitled to get relief from this Court.'

After perusing the affidavits filed in support of both the applications and the reasoning given by the trial Court, I am of the opinion that the common order passed by the trial Court does not warrant any interference by this Court.

The civil revision petitions are accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

09.11.2017
pln

