

HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION Nos. 6275 & 6270 of 2017

COMMON ORDER:

These civil revision petitions came to be filed under Article 227 of the Constitution of India, aggrieved by the order dated 07.11.2017 passed in I.A.Nos. 1114 of 2017 and 1116 of 2017 in O.S.No. 151 of 2011, on the file of the Principal Junior Civil Judge, Peddapuram, East Godavari district, wherein the application filed by the plaintiffs to reopen the suit and to receive the Aadhar certificate and also to recall PW1, came to be dismissed.

2. The suit in O.S.No. 151 of 2011 was filed to declare the decree in O.S.No. 78 of 2003 on the file of the Principal Junior Civil Judge, Peddapuram dated 28.09.2004, in respect of the plaint schedule property, as null and void, and not binding on the plaintiffs, as it was obtained by fraud. When the present suit was posted for arguments, I.A.Nos. 1114 of 2017 and 1116 of 2017 came to be filed on the ground that the petitioners/plaintiffs were advised to get few more documents to prove that the name of the defendant is 'Bandi Peeturu' but not 'Batchala Peeturu'. It is said that previously, the plaintiffs could not secure the proposed documents due to lack of information and knowledge. It is pleaded that as the certificate issued by the Village Revenue Officer is secured now, the present applications are filed. It is further stated that there is no willful negligence on the part of the

petitioners for not adducing the proposed evidence at the earliest point of time.

3. A counter came to be filed disputing the contents of the petition filed in support of the said I.As. It is said that though the petitioners were aware of the dispute between the parties with regard to the surname of the respondent, no effort was made till the case is posted for arguments. It is stated that after the entire trial is over and when the case is posted for arguments, the present I.As. came to be filed, only with a view to drag the proceedings. It is further pleaded that the documents now produced are not valid, and that they are not necessary to prove the plea of the petitioners.

4. After perusing the material on record, the trial court rejected the applications. Challenging the same, the present C.R.Ps. came to be filed. As seen from the record, the entire trial is over and the matter was posted for arguments on 26.10.2017. On that day, the plaintiffs sought time, as a result of which it was adjourned to 30.10.2017, subsequent to which these applications came to be filed.

5. It is to be noted that the petitioners intended to place on record the certificate issued by the Village Revenue Officer, Katravulapalli Village, dated 23.02.2017, along with a photocopy of the ration cards issued on 26.10.2017 and the Aadhar cards obtained on 30.10.2011. All these documents were obtained subsequent to the filing of the suit. Be that as it may, it is to be noted that the present applications came to be filed after the case

is posted for arguments. In the applications filed by the petitioners, it was mentioned that they were advised to obtain documents and as such, they obtained the same and filed the present applications. No reasons are given as to why no steps were taken to file these documents at the earliest point of time, when the argument of the petitioners herein is that there is a dispute with regard to the surname of the respondent.

6. In view of the above circumstances; having regard to the judgments of this Court in LAXMIPRIYA EXPORTS (INDIA) PVT. LTD., AND OTHERS v. MALINGAM MILLS LTD. AND ANOTHER¹, wherein it is held that at the time of arguments, petitions for reopening the suit, receiving documents and recalling a witness should not be entertained and having regard to the conduct of the petitioners in filing these revisions after the case was posted for arguments, I am not inclined to accept the request of the petitioners.

7. Accordingly, the Civil Revision Petitions are rejected. Miscellaneous petitions pending, if any, shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

30.11.2017
vhb

¹ 2016 (2) ALT 537