

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.6538 of 2017

ORDER:

Heard the learned counsel for petitioner.

2. This Revision is filed by the petitioner assailing the order dt.13-10-2017 in I.A.No.521 of 2017 in O.S.No.310 of 2011 of the II Additional Junior Civil Judge, Chittoor.

3. Petitioner is 2nd defendant in the suit.

4. Respondent Nos.1 and 2 filed the said suit for partition of certain properties.

5. Petitioner filed written statement specifically taking the plea that some land belonging to their ancestors in Sy.No.2929/4 was not included in the plaint schedule by respondent Nos.1 and 2. In support of the said plea, he did not file any documents along with the written statement.

6. After trial commenced, during cross-examination of plaintiffs' witness in 2017, having realized that he did not file supporting documents, petitioner filed I.A.No.521 of 2017 seeking leave to file the said documents.

7. The Court below, by order dt.13-10-2017, dismissed the said application stating that the documents sought to be filed do not concern the suit schedule property.

8. Aggrieved by the same, this Revision is filed.

9. Learned counsel for petitioner contends that petitioner intended to mark adangal and 1-B extract with regard to Sy.No.2829/4, which land according to his pleadings in the plaint was not made part of the plaint schedule by respondents, and so the reasoning of the Court below is perverse.

10. At first blush, this argument looks attractive, but on deeper scrutiny, it is clear that having taken a plea that the land in Sy.No.2829/4 is not included in the plaint schedule, petitioner ought to have filed these documents along with his written statement. No reason is assigned why these documents were not filed along with written statement on 03-01-2012. Grant of leave to file documents at a later stage is not a matter of right and in the absence of any valid reason shown why these documents were not filed along with written statement, leave cannot be granted to the petitioner.

11. Therefore, I do not find any merit in the Revision and it is accordingly dismissed at the stage of admission. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-11-2017

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