

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

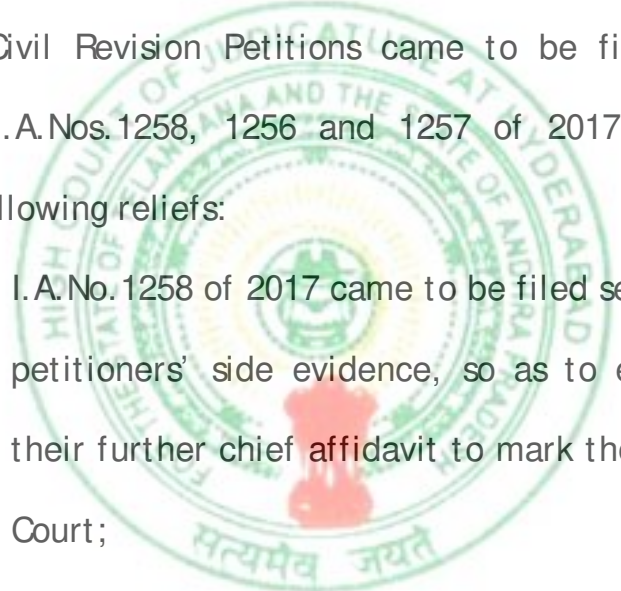
CIVIL REVISION PETITION Nos. 6989, 6990 & 7030 of 2017

COMMON ORDER:

Heard learned counsel for the petitioners and Sri Challa Dhananjaya, caveator in C.R.P.No.6989 of 2017.

Since the issue involved in the three revisions is connected with each other, they are disposed of by this common order.

These Civil Revision Petitions came to be filed challenging the dismissal of I.A.Nos.1258, 1256 and 1257 of 2017, which were filed seeking the following reliefs:

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- (i) I.A.No.1258 of 2017 came to be filed seeking to reopen the petitioners' side evidence, so as to enable them to file their further chief affidavit to mark the documents filed in Court;
 - (ii) I.A.No.1256 of 2017 came to be filed seeking to receive the documents filed therewith by condoning the delay in filing the same earlier, so as to enable the petitioners to mark the same as exhibits on their side to prove the case.
 - (iii) I.A.No.1257 of 2017 came to be filed seeking to receive the petitioners' additional chief affidavit, so as to enable them to mark the documents filed into Court as exhibits on their side to prove their case.

As seen from the record, the 8th claimant was examined as CW3 previously and he got marked Exs.P5 to P12 on his behalf, in his further chief affidavit. The averments in the affidavit filed by the 8th claimant in the original petition would show that O.S.No.192 of 1978 came to be filed against his family members for recovery of arrears of maktha for the years 1976-77 and 1977-78 and the said suit was decreed on 15.03.1990. Subsequently, the petitioners filed A.T.P.No.33 of 1978, which was received as A.T.C.No.65 of 1981, on the file of District Munsif Court, Peddapuram, for declaration of tenancy rights. During the pendency of the suit, one Naga Raju, with the help of his henchmen, is said to have trespassed into the scheduled land. However, the said ATC case was dismissed on 09.02.1983. Questioning the said order, the petitioners preferred ATA No.53 of 1983, which was allowed on 27.11.1987.

The averments in the I.A. would show that recently when the counsel of the petitioner/claimant No.8 was preparing his case for arguments, he directed the 8th claimant to obtain suit registers with regard to the suit and ATA. Accordingly, the certified copies were received on 15.11.2017. Thereafter, the 8th claimant was advised to file the said documents into Court. Hence, vide I.A.Nos.1258, 1256 and 1257 of 2017, the 8th claimant filed the applications to file the documents and to mark the same as Exs.P13 and P14 respectively, to file petitions to reopen the matter and to receive further chief affidavit. A counter came to be filed opposing the applications. After perusing the material on record, the trial Court rejected the applications. Challenging the same, the present civil revision petitions came to be filed.

As seen from the record, the Original Petition is of the year 2008 and the same is now posted for arguments. The record further discloses that earlier the petitioner No.5 filed similar application before the Court below and the same was allowed, pursuant to which, petitioner No.5 was examined as CW3 in chief and got marked Exs.P5 to P12. Again now, petitioner No.5 along with others came up with the above said three applications. The record further discloses that several opportunities were given to the petitioners in the trial Court to substantiate their case. In spite of the same, the matter was being dragged on one pretext or the other. The record further discloses that the evidence of the petitioners was closed long back and the case is now posted for arguments.

It is to be noted that in *Laxmipriya Exports (India) Private Limited and others Vs. Malingam Mills Limited and another*¹, this Court held that at the time of arguments, petitions for reopening the suit, receiving documents and recalling a witness should not be entertained.

In view of the above circumstances; having regard to the conduct of the petitioners in filing the revisions, after the case is posted for arguments and in view of the judgment referred to above, I see no reasons to interfere with the order passed by the trial Court.

Accordingly, the C.R.P.Nos.6989, 6990 and 7030 of 2017 are dismissed. No costs.

¹ 2016 (2) ALT 537

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

15.12.2017
vnb

C. PRAVEEN KUMAR, J

