

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.354 OF 2018

ORDER:

This civil revision petition is filed by the petitioner-plaintiff under Article 227 of the Constitution of India, assailing the order dated 29.12.2017 in I.A. No.563 of 2017 in O.S.No.90 of 2009 on the file of the Court of Junior Civil Judge, Rajampet, Kadapa District.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the petitioner filed O.S.No.90 of 2009 on the file of the Court of Junior Civil Judge, Rajampet, seeking perpetual injunction against the respondents in respect of the suit schedule property. During the pendency of the suit, the petitioner filed I.A.No.563 of 2017 under Section 151 of CPC to reopen the suit to adduce further evidence on behalf of the petitioner. The respondents filed counter opposing the petition. The trial Court, basing on the material available on record, dismissed the petition. Hence, the revision.

4. This Court carefully perused the affidavit filed by the petitioner in support of the petition. There is no mention in the affidavit how the sale deeds dated 27.3.1922, 05.6.1916 and 17.11.1927 sought to be exhibited on behalf of the petitioner, are relevant to resolve the issue involved in the suit. The petitioner filed the affidavit without disclosing the relevancy of these documents. Moreover, there is no pleading in the plaint about the existence of these documents. When the matter was posted for arguments, the petitioner filed the present petition to reopen the

matter in order to receive the above documents. The petitioner has not assigned reasons much less cogent and valid reasons for non-filing of these documents along with the suit or at least during the course of trial. The possibility of filing this type of petitions at the fag end, with an intention to drag on the proceedings, cannot be ruled out completely. The trial Court considered the material available on record in right perspective and dismissed the petition. I am fully endorsing the findings recorded by the trial Court. There is no illegality or irregularity in the order passed by the trial Court warranting interference of this Court.

5. Hence, the civil revision petition is dismissed. Miscellaneous petitions if any pending in this petition shall stand closed.

Date: 28.6.2018
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T.SUNIL CHOWDARY, J.

