

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.379 of 2018

ORDER:

Heard the learned counsel for the petitioner and Sri K.Mohan Rami Reddy, learned counsel for the respondents.

2. This Revision Petition is filed assailing the order dt.18-12-2017 in I.A.No.1395 of 2017 in O.S.No.85 of 2011 of the Principal Junior Civil Judge, Srikalahasthi.

3. Petitioner is the plaintiff in the suit. The suit was filed for perpetual injunction against respondents. After the trial was concluded and the matter was posted for arguments, the petitioner filed I.A.No.1395 of 2017 invoking Section 151 CPC to reopen the suit for the purpose of adducing additional documentary evidence.

4. Counter affidavit was filed by the respondents opposing the said application stating that earlier also several petitions were filed to reopen the evidence and to receive documents and that this is being done to delay the proceedings in the suit.

5. By order 18-12-2017, the Court below dismissed the I.A.No.1395 of 2017. It noticed that the application is filed at the fag end of the suit i.e. at the stage of arguments and that giving further opportunity to the petitioner is to protract the proceedings and there were no *bona fide* on the part of the petitioner in filing this application

for filing documents at the stage of arguments and seek to reopen the suit and to recall P.W.1 at this stage.

6. Though learned counsel for the petitioner sought to contend that the documents sought to file by the petitioner are crucial to prove the possession of the petitioner, the fact remains that the petitioner has been negligent in producing these documents since the suit has been pending from 2011, and no valid reason is given in the affidavit filed in support of the application so as to why these documents, which are sought to be filed, and which have certified copies of adangals in respect of the subject lands, could not have been filed earlier.

7. Therefore, I am not inclined to interfere with the order dt.18-12-2017 in I.A.No.1395 of 2017 in O.S.No.85 of 2011 of the Principal Junior Civil Judge, Srikalahasti.

8. Accordingly, the Civil Revision Petition is dismissed at the admission stage. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 16-03-2018

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