

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.421 OF 2018

DATED:09-02-2018

Between:

V. Srinivasa Rao
and others

... Petitioners

And

Vaddiraju Venkata Lakshmi
and another

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. V. Venkata Mayur

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.4.10.2017 in I.A. No.434 of 2017 in O.S. No.1154 of 2006 on the file of the VII Additional Senior Civil Judge, Visakhapatnam.

2. The petitioners filed the aforementioned suit for permanent injunction restraining the respondents from alienating the suit schedule property to third parties or from interfering with their peaceful possession and enjoyment. The suit being of the year 2006, the affidavit of the petitioners – plaintiffs was filed in the year 2009. When the suit was coming up for cross-examination of the plaintiffs, they have filed the aforementioned I.A. seeking to call for all the 21 numbers of documents filed in C.C. No.127 of 2015 on the file of the VII Metropolitan Magistrate-cum-II Additional Junior Civil Judge, Bheemunipatnam. This application was dismissed by the lower Court and in my view rightly.

3. In the affidavit filed in support of the I.A., petitioner No.1 has stated that after the affidavit in lieu of chief examination was filed in the year 2009 the petitioners have obtained the certified copies of various documents, which were not in their possession, that some of them are filed before the Court below and that some other documents are filed in C.C. No.127 of 2015, which are essential for expeditious disposal of the suit as they establish the

identity of the suit schedule property and the petitioners' title and possession over the same.

4. In a suit of the year 2006 where the affidavit in lieu of chief examination was filed in 2009, the petitioners have not shown any diligence whatsoever for conclusion of the proceedings. They did not explain in the affidavit as to how the documents in C.C. No.127 of 2015 are relevant. Even assuming that they are relevant, nothing prevented them from obtaining certified copies of those documents from the VII Metropolitan Magistrate-cum-II Additional Junior Civil Judge, Bheemunipatnam. On the one hand, the litigants are crying foul that the Courts are not disposing of the cases for years and on the other hand, they have been indulging in procrastination of the legal proceedings on one pretext or the other. This is a case where the petitioners failed to show any diligence whatsoever to secure the certified copies of the documents on which they have placed reliance. Therefore, the lower Court has rightly dismissed the I.A.

5. Hence, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, I.A. No.1 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

09-2-2018

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