

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.516 OF 2018

ORDER:

This civil revision petition is filed under Section 115 of CPC, challenging the order dated 07.11.2017 in E.A. No.62 of 2017 in E.A.No.208 of 2014 in E.P.No.74 of 2009 in O.S.No.164 of 2007 on the file of the Court of Junior Civil Judge, Chintalapudi, West Godavari District.

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the petitioner filed E.A. No.32 of 2017 in E.A.No.214 of 2014 in E.A.No.208 of 2014 in E.P. No.74 of 2009 in O.S.No.164 of 2007 on the file of the Court of Junior Civil Judge, Chintalapudi, West Godavari District, to receive original sale deed dated 10.11.2006. The executing Court dismissed E.A.No.32 of 2017 vide its order dated 08.8.2017. Feeling aggrieved by the said order, the petitioner filed C.R.P. No.4713 of 2017. This Court allowed C.R.P.No.4713 of 2017 on 06.10.2017. In pursuance of the orders of this Court, the petitioner filed E.A.No.62 of 2017 under Order VII Rule 14(3) read with Section 151 of CPC. The executing Court, after considering the material available on record, dismissed the petition. Aggrieved by the same, the present revision petition is filed.

4. In order to appreciate the contention of learned counsel for the petitioner, it is apposite to extract hereunder paragraph No.6 of the order dated 06.10.2017 in C.R.P. No.4713 of 2017, which reads as follows:

6. Having regard to the said submission, the Civil Revision Petition is disposed of directing the petitioner to file an application in the Court below for receiving the said document giving reasons why it could not have filed earlier and the Court below is directed to consider the said application in accordance with law after hearing the contentions of respondents and pass a reasoned order in accordance with law. No costs.

5. A perusal of the above paragraph clearly reveals that the petitioner was permitted to file separate application to receive the document stating reasons for non-filing of the said document at the earliest point of time. This Court carefully scanned the affidavit filed by the petitioner in support of E.A.No.62 of 2017. In spite of directions of this Court in C.R.P.No.4713 of 2017, the petitioner has not stated the reasons much less cogent and valid reasons for non-filing of the document in question within the time.

6. The learned counsel for the petitioner submitted that inadvertently the learned Advocate appearing before the executing Court did not mention the reasons. The direction was given to the petitioner by this Court in C.R.P. No.4713 of 2017 while permitting to file separate application. It is the duty of the petitioner to mention the reasons for non-filing of the document at the earliest point of time. The record reveals that the executing Court considered all relevant aspects and rightly dismissed the petition. There is no illegality, irregularity or impropriety in the order under challenge to warrant interference by this Court.

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

T.SUNIL CHOWDARY, J.

Date: 19.6.2018
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