

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.667 of 2018

ORDER:

The Order, dated 05.01.2018, passed by the learned Principal Junior Civil Judge, Kadiri in I.A.No.591 of 2017 in O.S.No.187 of 2009, refusing to reopen the case for adducing the fresh evidence is challenged before this Court.

Admittedly, the suit is at the stage of arguments. The suit was filed in 2009 for bear injunction. The specific case of the petitioners-plaintiffs is that they acquired the suit schedule property through certain registered documents and they are in possession and enjoyment of the same and the defendants, who are strangers to the suit schedule property, have been interfering with their peaceful possession and enjoyment. In the Written Statement filed by the 1st respondent, she specifically denied the allegation that she is a stranger to the suit schedule property and further asserted that she is none other than the wife of one Singani Reddappa S/o Veerappa, through whom the petitioners-plaintiffs themselves claim right over the suit schedule property. There is no dispute that the said Reddappa is none other than son of Singani Veerappa Naidu.

As recorded by the trial court there is no dispute that the case is coming up for arguments from 02.05.2017 onwards. After seeking several adjournments, the petitioners filed the present I.A.No.591 of 2017, to reopen the suit for adducing fresh evidence. The reasons for filing the said Application are as follows:

“ I submit that the above matter the evidence is closed. While preparing for arguments, it is noticed by our counsel that the respondent No.1 has denied some

crucial aspects of the matter and hence the documents relating to the said aspects are to be sent for and marked through the officers concerned. Separate petition is also filed to summon the officers to cause production of the documents in their custody and give evidence regarding the said documents. The said documents are material and required by the Hon'ble Court to adjudicate the matter in right perspective. For the said purpose the evidence in the above matter on our side is to be reopened as otherwise we will suffer immense loss and hardship.”

The above-quoted reasons appear to be vague and laconic. The petitioners also failed to mention what are the documents that are required to be produced and from whom the documents are required to be produced and the reasons why they could not be produced at the earlier point of time. In other words, the I.A. appeared to have been filed only to delay the case proceedings, especially when the case is ripe for arguments. Therefore, the trial court has appreciated these aspects and rightly dismissed the Application. There being no compelling reasons for this Court to arrive at a contra opinion, the Civil Revision Petition does not deserve any merit for consideration.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Consequently, Miscellaneous Petition pending, if any, shall also stand dismissed.

CHALLA KODANDA RAM, J.

Date: 20.04.2018.

Ssv