

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.1090 of 2018

ORDER:

Defendants 1 and 6, in O.S.No.137 of 2009 on the file of Junior Civil Judge, Atmakur, SPSR Nellore District, are the petitioners herein. The said suit was filed for permanent injunction. The plaintiffs' side evidence was completed. At time of commencement of defendants' side evidence, the first petitioner herein filed an affidavit seeking permission to give evidence regarding the documents, which are to be marked from his side.

2. A counter-affidavit was filed objecting to the same and the trial Court dismissed the said Interlocutory Application by an order, dated 15.12.2017. Challenging the same, the present civil revision petition is filed.

3. The relevant portion of the affidavit filed by the first petitioner reads as follows:

"It is humbly submitted that the Respondents/Plaintiffs filed a suit against me and other defendants for prohibitory injunction. But the suit was posted for my side evidence today. Hence I filed this petition along with relevant documents to be marked on my evidence to prove my case.

Therefore it is prayed that this Hon'ble Court may be pleased to permit me to give evidence regarding the documents which are to be marked as my side to prove my case, otherwise I will be put to serious loss and injury."

4. A counter-affidavit was filed on behalf of the plaintiffs stating that no reasons were given in the affidavit. Though in the affidavit, it was pleaded to permit to give evidence regarding the documents, in the petition, there was a prayer to condone the delay in filing the documents and permit to give evidence regarding those documents. Absolutely

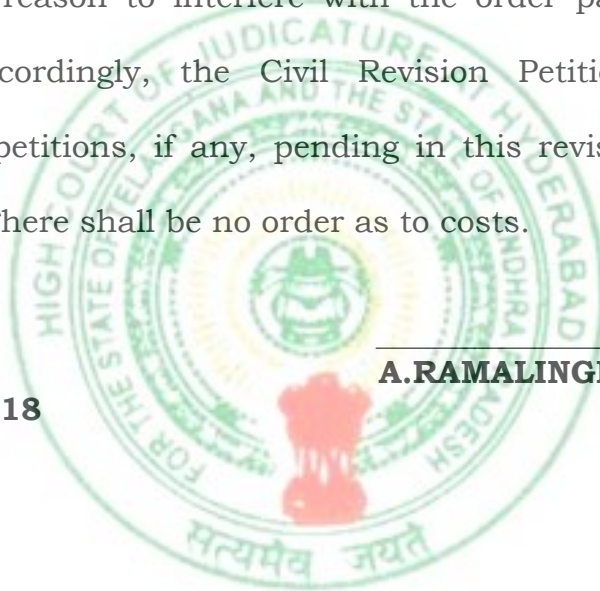
there is no reason for condoning the delay in filing the documents. Taking those circumstances into consideration, the Court passed the following order:

“Perused the petition, counter copy and other records. It is found that no where it is explained as to why he has not filed all these documents along with written statement and that filing of these documents at this belated stage is not correct. The defendant not explained as to why all these documents not seen light of the day and that if documents are marked on behalf of defendant at this stage there is any prejudice will be caused against the plaintiff. Hence this petition is dismissed.”

5. In view of the above facts and circumstances of the case, this Court sees no reason to interfere with the order passed by the trial Court and accordingly, the Civil Revision Petition is dismissed. Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

MARCH 12, 2018
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A.RAMALINGESWARA RAO, J



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Date: 12.03.2018

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