

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION Nos.1751 and 1752 of 2018

COMMON ORDER:

The plaintiff in O.S.No.105 of 2011 in the Court of Additional Junior Civil Judge, Husnabad, is the revision petitioner. The petitioner through I.A.Nos.79 and 80 of 2018 seek leave of the Court to place on record certain documents along with Memo dated 25.01.2018 issued by the Mandal Revenue Officer, Chigurumamidi, Karimnagar District and to call PW.1 for further evidence. The purpose of the Memo is to demonstrate on alleged fact of existence of mutation order said to have been issued in favour of defendant. The learned trial Judge rejected the prayers and the reasons recorded read thus:-

“On perusal of the documents sought to be filed they are documents that came into existence very recently and much later after filing of the suit and also after completing the cross examination of the plaintiff. Also the contention in the document sought to be received is that the MRO is being addressed not to entertain any mutation over the suit land till disposal of the suit, the petitioner has not explained how and why he intends to make use of the documents and what purpose would it serve in the present context of the case. There is one document issued by MRO in the year 2018 wherein the petitioners have sought some documents pertaining to the suit from the MRO office, which shows the lackadaisical approach of the plaintiffs in pursuing their suit, and also they have not offered any explanation how the document would help their case, hence in these

circumstances, this court is not inclined to allow the petition.”

Hence, the Civil Revision Petitions.

Mr.Venkateshwarulu contends that the documents now sought to be relied on by the petitioner is received by petitioner subsequent to the closure of evidence of PW.1. Neither on fact nor in law anything can be attributed to the revision petitioner as he is not diligent and did not take timely steps. He further contends that the effort of revision petitioner is only to demonstrate or to clarify one of the suggestions put to revision petitioner when he was cross-examined by the defendant. He further contends that no prejudice will occasion if PW.1 is recalled and leave is granted.

This Court has perused the record and taken note of the submission of learned counsel for revision petitioner.

At the outset, this Court is of the view that the documents now sought to be relied on are issued during pendency of the suit. The proceeding issued by an officer in exercise of power under the A.P.Rights in Land and Pattadar Pass Books Act, 1979 (for short ‘the Act’) itself is not binding on a Civil Court in view of Section 8 of the Act. Now the revision petitioner seeks to demonstrate a negative circumstance by placing on record a Memo. Apart from the reasons assigned by the trial Court, this Court is of the view that the evidence need not be reopened

muchless leave be granted to revision petitioner. The trial court has rightly dismissed the applications. I do not see ground warranting interference by this Court under Article 227 of the Constitution of India.

The Civil Revision Petition fails and is accordingly dismissed. It is made clear that either the rejection of prayer by the trial Court or dismissal of Civil Revision Petitions by this Court cannot and ought not to be appreciated as restricting cross-examination of the plaintiff, when the witness is in the box and a few documents on which now information is gathered by the plaintiff can be relied on.

With the above observations, the Civil Revision Petitions are dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 16-03-2018
Prv

S. V. BHATT, J