

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.Nos.2257 and 2514 of 2018

COMMON ORDER:

Heard the learned counsel for petitioners.

2. These two Revision Petitions arise out of the same suit between the same parties. Therefore they are being disposed of by this common order.

3. Petitioners in these both Revision Petitions are plaintiffs in O.S.No.109 of 2009 on the file of the Additional Senior Civil Judge, Madanapalle, Chittoor District.

4. The suit was filed for grant of temporary injunction in the petitioners' favour against respondents. Petitioners filed on 22-01-2018 I.A.No.33 of 2018 to recall P.W.1 (1st petitioner) and receive further chief examination affidavit and I.A.No.34 of 2018 for receiving certain documents.

5. In the affidavits filed in support of the said applications, the petitioners contended that the documents now sought to be marked were not filed earlier, that some of them were obtained one month prior to the filing of the applications, and that they are necessary for adjudication of the case.

6. The respondents filed counter affidavit opposing said application stating that the documents now sought to be filed are created by the petitioners and also since these documents were not prior to the

filing of the suit and were procured subsequently, they cannot be looked into. It was pointed out that the case is posted for arguments and at this stage, these two petitions were filed only to delay the disposal of the suit.

7. By separate orders, the Court below on 20-02-2018 dismissed both the applications. It held that the petitioners had come up with these applications at the stage of hearing arguments and were not diligently prosecuting the matter earlier. It also pointed out that earlier applications to reopen and to recall were allegedly allowed but no reasons have been stated why the instant applications have again been filed. It also observed that the documents filed are latest documents and not of a period prior to the filing of Written Statement and no purpose would be served by taking them on record. Apart from this, it also observed that allowing applications of this nature would prejudice the respondents.

8. Assailing the same, these Revision Petitions are filed.

9. Though learned counsel for the petitioners sought to contend that these orders suffer from error of jurisdiction and great prejudice has been caused to the petitioners by rejection of these applications, it is not in dispute that these applications have been filed at the stage when the case is posted for arguments by the Court below. The suit has been pending since 2009 and even according to the petitioners, earlier reopen application and recall application filed had been allowed. If so, why the petitioners did not file the said documents at that time is not explained.

Parties cannot be allowed to file documents at their own will and pleasure and delay disposals of the suits and they cannot be allowed to take advantage of their own negligence in not filing them earlier.

10.I am satisfied that the Court below had exercised its jurisdiction and rightly refused to allow both the applications.

11.Therefore, both the Civil Revision Petitions are dismissed at the admission stage. No costs.

12.As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 20-04-2018
kvr

JUSTICE M.S.RAMACHANDRA RAO

