

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

CIVIL REVISION PETITION No.2619 of 2018

ORDER:

This Revision is filed assailing the order dt.28-03-2018 in I.A.No.160 of 2018 in O.S.No.29 of 2016 of the Additional Senior Civil Judge, Madanapalle.

2. Petitioner herein is plaintiff in the suit.
3. He filed the suit for declaration of title to the plaint schedule property and for perpetual injunction restraining the respondents from interfering with his alleged peaceful possession and enjoyment of the plaint schedule property and for other reliefs.
4. After the evidence of both sides was concluded, the petitioner filed an application in I.A.No.160 of 2018 under Order VII Rule 14(3) C.P.C. to mark certain documents.
5. In the affidavit filed in support of the said application, he stated that though he had filed several documents in the Court, only some of them had been marked, and the rest had not been marked, and that some documents were misplaced and were traced and he is therefore filing them in the Court.
6. The said application was dismissed on 28-03-2018 by the Court below stating that no satisfactory reasons have been assigned by the petitioner to grant leave to file the said documents by condoning the delay in filing the same.

7. Assailing the same, this Revision is filed.
8. Though learned counsel for petitioner sought to contend that the necessity to mark these documents arose only after the evidence of D.W.11, a stranger to the suit, came on record, there is no mention of the said fact in the affidavit filed in support of this application.
9. The relief in the suit being one for declaration of title and recovery of possession, *prima facie* none of the documents which are now sought to be marked by petitioner would have any bearing on it. The suit is filed in the year 2006 and is at the stage of arguments. Since petitioner had been negligent in filing the documents along with plaint, he cannot be allowed, after 12 years of filing of the suit, to file them when the suit is posted for arguments.
10. I therefore do not see any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.
11. Accordingly, the Civil Revision Petition is dismissed at the admission stage. No costs.
12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-04-2018
Vsv