

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.2246 of 2016

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, assailing the order dated 21.3.2016 passed in I.A.No.299 of 2016 in O.S.No.496 of 2008 on the file of the Court of Principal Junior Civil Judge, Kadiri, Anantapur District.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the petitioners filed the petition under Section 151 of CPC to reopen the suit for adducing further evidence on their behalf. The respondents filed counter opposing the petition. The trial Court, after affording reasonable opportunity to both the parties, dismissed the petition. Hence, the revision.

4. The point that arises for consideration in this revision petition is:

Whether there is any illegality, irregularity or impropriety in the impugned order?

5. A perusal of the record reveals that the respondents filed the suit against the petitioners seeking perpetual injunction in respect of the suit schedule property. After completion of the evidence on both sides, the petitioners filed I.A.No.922 of 2015 with a prayer to issue summons to the Tahsildar, Kadiri, to cause production of certain revenue records. The trial Court, allowed I.A.No.922 of 2015 and granted number of adjournments so as to enable the petitioners to take the summons to the Tahsildar, Kadiri. For one reason or the other, the petitioners did not take summons to the Tahsildar, Kadiri. Having no other alternative, the trial Court

closed the evidence on behalf of the petitioners. Thereafter, the petitioners filed the present petition under Section 151 of CPC seeking to reopen the matter.

6. This Court perused the affidavit filed in support of the petition. The petitioners have not assigned reasons much less cogent and valid reasons for reopening of the evidence on behalf of the petitioners. It is not mentioned in the affidavit that the petitioner is filed to issue summons to the Tahsildar, Kadiri, to cause production of the relevant revenue records. For the reasons best known, the petitioners did not take steps in pursuance of the orders in I.A.No.922 of 2015. The record clearly reveals that from 2015 onwards the petitioners have been protracting the matter by filing the petitions one after another. The possibility of filing this type of petitions, with an intention to drag on the proceedings, cannot be ruled out completely.

7. The trial Court, taking into consideration over all facts of the case, dismissed the petition. The trial Court has assigned reasons much less cogent and valid reasons to its findings. I am fully endorsing the findings recorded by the trial Court. There is no illegality, irregularity or impropriety in the impugned order, to warrant interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India.

8. Accordingly, the civil revision petition is dismissed. Miscellaneous petitions if any pending in this revision petition shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 20.9.2018
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