

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.3208, 3229 & 3240 of 2018

COMMON ORDER:

Since all these Civil Revision Petitions are filed against interlocutory applications in the same suit, they are being heard together and disposed of by way of this Common Order.

CRP No.3208 of 2018

This Civil Revision Petition is filed against order dated 13.04.2018 in I.A.No.653 of 2017 in OS No.426 of 2010 on the file of Additional Senior Civil Judge, Tirupati, wherein and whereby the application filed under Order VII Rule 14 (2) of Amended CPC to receive the documents viz., registered sale deeds and award in Award No.1/2011 in Roc.No.A1/4738/2009, dated 21.05.2011 is dismissed.

CRP No.3229 of 2018

This Civil Revision Petition is filed against order dated 13.04.2018 in I.A.No.652 of 2017 in OS No.426 of 2010 on the file of Additional Senior Civil Judge, Tirupati, wherein and whereby the application filed under Order XVIII Rule 17 and Section 151 CPC to recall the 2nd petitioner/plaintiff as P.W.1 to adduce further evidence with regard to the documents, is dismissed.

CRP No.3240 of 2018

This Civil Revision Petition is filed against order dated 13.04.2018 in I.A.No.651 of 2017 in OS No.426 of 2010 on the file of Additional Senior Civil Judge, Tirupati, wherein and whereby

the application filed under Section 151 to reopen the suit to adduce further evidence on behalf of petitioners, is dismissed.

Learned counsel for the petitioners submit that the petitioners filed an application for receiving Award passed by the Land Acquisition Officer in Award No.1/2011 in Roc.No.A1/4738/2009, dated 21.05.2011 and also sale deeds of the respondents/defendants, which are all public documents; that the same are just and necessary for adjudicating the *lis* in the suit and that the trial Court, without considering the said aspects dismissed the applications filed by the petitioners erroneously. He submits that no prejudice will be caused to the defendants/respondents in receiving the said documents and taking steps for marking the same by considering prayer in the interlocutory application filed by petitioners.

Learned counsel for the respondents submits that the suit is of the year 2010 and without pleadings, no amount of evidence can be lead in and that no useful purpose will be served in marking the documents. Moreover the documents sought to be received by the petitioners are not at all relevant for the purpose of adjudicating the *lis* in the suit. He submits that the property of the defendants/respondents cannot be declared as public road.

In this case, admittedly, the suit is of the year 2010 and the applications are filed in the year 2018, after evidence of both sides is closed. The trial Court was conscious of the fact that the suit was filed in the year 2010 and also observed that the plaintiffs have not pleaded in their pleadings about the subject documents,

sought to be received by the petitioners/plaintiffs. Even in the affidavits filed in support of the applications, nothing is stated except stating about misplacing of the documents.

In view of above facts and circumstances, I do not see any error or illegality in the orders passed by the Court below warranting interference under Article 227 of the Constitution, as such, all these Civil Revision Petitions are dismissed. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Civil Revision Petitions shall stand dismissed.

26.10.2018
kvs



A.RAJASHEKER REDDY,J

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.3208, 3229 & 3240 2018



Date: 26.10.2018

kvs