

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.4262, 4219 & 4216 OF 2018

COMMON ORDER :

Since all these Civil Revision Petitions arising of dismissal I.A.Nos.513, 514 and 515 of 2018 in O.S.No.277 of 2010 respectively and the parties are one and the same, they are being heard together and disposed of by way of this Common Order.

These Civil Revision Petitions are filed against order dated 19.06.2018 in I.A.Nos.513, 514 & 515 of 2018, in O.S.NO.277 of 2010, wherein and whereby petition filed by the petitioner under Section 151 of CPC to re-open the evidence of defendant and recalling D.W.1 for filing voter I.D., ration card, Aadhar card, bunch of house tax and water tax and electricity bills are dismissed.

Heard learned counsel for the petitioner, who submits that reopening of the petitioner's evidence is very much necessary and receiving of the documents is also very much necessary to prove the case of the petitioner in the suit. He submits that the Court below, without considering the said aspects dismissed the said applications.

In this case, it is to be seen that the suit is of the year 2010 and the plaintiff's side evidence was closed on 12.09.2017 and defendant's side evidence was closed on 23.03.2018 and the matter was posted for arguments. But on 05.06.2018, the petitioner filed I.A.Nos.513, 514 and 515 for reopening and recalling of D.W.1 and to receive documents.

A perusal of the order passed by the Court below goes to show that previously petitioner filed I.A.No.726 of 2017 to receive the document and same was allowed on 28.10.2017 and thereafter, petitioner again filed I.A.No.35 of 2018 to receive the document i.e., patta under Order VII Rule 14 (3) read with Section 151 CPC and same was allowed on 01.02.2018. The Court below found that after filing both the aforesaid petitions, the petitioner again filed the present petitions to reopen the evidence along with recall of D.W.1 and to receive the document petition, which is nothing but abuse of process of law by relying on the judgments reported in **Gayatri v. M.Girish¹** and **K.K.Velusamy v. N.Palanisamy**.

A perusal of the impugned order goes to show that the petitioner filed the petitions one after the other, after three months of closing of defendant's evidence, only to drag on the proceedings. Now, the main suit is posted for arguments.

In view of above facts and circumstances, I do not see any error or illegality in the order passed by the Court below by exercising the power of review under Article 227 of the Constitution of India.

Accordingly, all these Civil Revision Petitions are dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.07.2018
kvs

¹ 2016 (3) CCC 252 SC

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Date: 27.07.2018

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