

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION Nos.5234, 5235, 5240, 5247 & 5276 of 2018

COMMON ORDER:

Since the subject matter of all these revisions is the same, this Court deems it appropriate to dispose of these matters by way of this common order.

The plaintiff, in O.S.No.547 of 2009 on the file of the IV Additional Junior Civil Judge, Kurnool, is the petitioner in the present revisions, filed under Article 227 of the Constitution of India.

Petitioner herein instituted the said suit for the relief of specific performance of contract of sale, said to have been executed by the first defendant in his favour. In the said suit, when the matter stood posted for arguments, on behalf of the plaintiff, the present applications i.e. I.A.Nos.18, 20, 23, 26, and 29 of 2018, were filed to reopen the case, recall P.W.1 and to condone the delay in receiving the documents which, according to the petitioner, bear the signatures of the first defendant, dated 10.01.2006, and to send the same for comparison. Resisting the said applications, the second defendant filed a counter and the same was adopted by the first defendant. The learned Junior Civil Judge, by way of the order under challenge, dismissed the said applications. Aggrieved thereby, the present Civil Revision Petitions are filed.

According to the learned counsel for the petitioner the order impugned is erroneous, contrary to law and cannot be sustained. It is further submitted that the learned Judge ought to have given fair opportunity to the petitioner by considering the present applications. It is further contended by the learned counsel that, in order to arrive at a correct and just conclusion in the matter, the learned Judge ought to have allowed the applications.

A perusal of the order impugned clearly discloses, in clear and vivid terms, that the learned Judge took note of the fact that the suit was coming up for arguments and for filing written arguments by both the counsel since long time. As per the provisions of Order VII Rule 14 CPC, it is obligatory on the part of the plaintiff to file the documents along with the plaint.

Clause 3 of Rule 14 of Order VII CPC is a slight departure to the said rule and, according to the same, a document which ought to be produced before the Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

In the instant case, the reasons assigned by the petitioner in the affidavits, filed in support of the applications, are not sufficient to order the present applications. A perusal

of the said affidavits clearly discloses that there are no reasons, muchless valid reasons assigned by the petitioner. In fact, the learned Judge, after elaborately taking into consideration the requests made on behalf of the plaintiff for adjournments, the stage at which the suit rests, and also duly taking into account the principle laid down by this Court, in **BODDU JAILAIAH v. BODDU PANDURANGA RAO & ANOTHER¹**, dismissed the said applications.

It is settled and well established principle of law that, unless the order impugned suffers from jurisdictional error and also suffers from perversity, the jurisdiction of this Court under Article 227 of the Constitution of India, cannot be permitted to be invoked. This Court does not find any merit in the present Civil Revision Petitions.

Accordingly, Civil Revision Petitions are dismissed. There shall be no order as to costs.

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

A.V.SESHA SAI, J

28th September, 2018
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¹ 2001 (2) L.S.285