HONOURABLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.6964, 6985 AND 7055 of 2017

Date :16.2.2018

Between :

Pulla Sadanandam S/o Gattaiah
47 yrs R/o Chintagattu village, Hasanparthy mandal
Warangal

Petitioner

And

Chindurala Madhusudhan S/o Vishwanadham
Retired community Health Officer
H No. 13-2-136, Matwada, Warangal

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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COMMON ORDER:

Petitioner herein is defendant. Petitioner filed I.A. Nos 1194, 1195, 1196 and 1197 of 2017. In I.A. No. 1197 of 2017 petitioner sought leave to file enlisted documents; I A No. 1194of 2017 to reopen the suit and 1195 of 2017 to recall defendant for marking documents. I.A. No. 1196 of 2017 was filed to call for Ex.B8 to B.33 from O S No. 1442 of 2004, which is subject matter of CRP No. 6991 of 2017.

2. On consideration of rival claims, the Court below found that petitioner herein was not diligent to place on record the decrees granted in O.S. Nos. 1414 of 2004 and 1409 of 2014 and holding that no valid reasons are assigned why petitioner kept quiet for two long years for obtaining certified copies of the documents, dismissed I.A.No. 1197 of 2017. The Court below observed that after closing plaintiff's evidence on 2.11.2016, suit underwent several adjournments for defendant's evidence. Chief affidavit was filed on 27.12.2016 and on 12.4.2017 documents were marked and he was present for cross examination on 31.7.2017. During all the above stages, there was not even a whisper by the defendant why he has not made attempt to get certified copies of the above documents which were very much available in the Court of the Principal Junior Civil Judge, Warangal.

3. Learned counsel for petitioner submits that though petitioner ought to have filed those documents earlier, but merely on the ground that earlier documents were not filed, cannot be a ground to reject the application. According to learned counsel for petitioner those documents have relevance as they would substantiate the claim of the defendant that they are the owners of a larger extent of land from out of which the smaller extent of land is claimed by the plaintiff and in all the

earlier decrees, the ownership of the petitioner was determined. He would submit that procedural laws cannot come in the way of adjudication on substantive issues.

4. No doubt what is stated by the learned counsel for petitioner is true that procedural laws are hand made of justice and should facilitate eliciting truth but conduct of the party in prosecuting the litigation is also relevant. There is huge delay in disposal of suits, such petitions are chocking the litigation stretching into years and years. Having regard to the fact that large number of cases are pending in the Courts and delay in disposal of cases, litigant should be diligent in prosecuting the litigation. As noted by the trial Court, no endeavor was made by the petitioner in obtaining documents which were within his knowledge and decrees were passed in the suits contested by him. Thus, I do not see any error committed by trial Court in rejecting the application, therefore, no interference is called for. Accordingly, CRP No. 6964 of 2017 is dismissed.

5. C.R.P. No. 6985 and C.R.P. No. 7055 of 2017 are filed challenging the orders passed in I.A. No. 1194 of 2017 and I.A. No. 1195 of 2017 respectively rejecting request of petitioner to reopen the evidence and to recall DW1. By separate order, CRP 6991 of 2017 was also dismissed. In view of orders passed in I.A. No. 1196 of 2017, the Court below validly dismissed I.A. No. 1194 of 2017 and I.A.No. 1195 of 2017 respectively and no interference is called for. Accordingly, C.R.P. No. 6985 and C.R.P. No. 7055 of 2017 are also dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:16.2.2018
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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