

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY
CIVIL REVISION PETITION Nos 7429 OF 2017 And 26 of
2018

COMMON ORDER :

These revisions are filed against the orders dated 03-10-2017 and 21-11-2017 passed in I.A.No.698 of 2017 and I.A.No.564 of 2017 in O.S.No.38 of 2010 respectively, wherein the Court below dismissed the applications filed under Order 18 Rule 17 and under Section 151 C.P.C. for reopening the suit for adducing defendants side evidence and for marking the document respectively.

Learned counsel for the petitioner submits that petitioner's father who was defendant No.3 passed away in the year 2015, as such, his legal representatives were brought on record as defendants 5 to 7 and when the petitioner herein is searching the box, he found an inland letter and said document is very essential for adjudication of the suit. But the Court below without considering the said aspect, dismissed the applications.

It is to be seen that admittedly defendant No.3 died on 13-12-2015 and defendants 4 to 7, who are petitioners 5 to 7 in I.A.No.698 of 2017, were brought on record on 15-12-2015, but they could not choose to file any additional written statement in the suit and later when the matter posted for evidence of petitioners on 29-04-2016, the Court below found that the petitioners did not adduce any evidence inspite of taking several adjournments and their evidence was closed

on 08-06-2016 and when the matter was posted for arguments, the respondent/plaintiff filed written arguments on 15-07-2016. Thereafter, the petitioners have taken number of adjournments to advance their arguments. The respondent/plaintiff filed one more petition under order 22 Rule 4 for taking steps against deceased defendant No.5 and said petition was allowed. When the petitioners filed I.A.No.564 of 2017 for reopening the matter for adducing the evidence and the same was dismissed on 03-10-2017 and again the present petition is filed for marking the document of inland letter dated 24-03-2010. The Court below also found that the present petition is filed more than one year after the evidence of petitioners is closed. The Court below also found that the petitioners filed the present I.As. for dragging the proceedings and said aspects could not be disputed by learned counsel for the petitioners. The suit is of the year 2010. The Court below relied on said facts and passed the impugned orders. Even defendant No.3 himself stated in the written statement filed in the year 2010 about inland letter, it is not known why the said document was pressed into service after so long years. A perusal of the impugned orders goes to show that the Court below has considered the matter in proper perspective and no infirmity is brought to my notice. In view of the above facts and circumstances, I do not see any reason to interfere with the same by exercising power under

Article 227 of Constitution of India. As such, the revisions are liable to be dismissed.

Accordingly, the revisions are dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in these revisions, shall stand closed.

A.RAJASHEKER REDDY, J

22-01-2018
Nvl

