

**HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**C.R.P.Nos.512, 527 and 532 of 2019**

**COMMON ORDER:**

These three Revisions arise out of the same suit between the same parties. Therefore they are being disposed of by this common order.

2. Petitioners in these Revisions are defendant Nos.40 and 41 in the said suit.

3. The said suit was filed for partition of the plaint schedule properties, to cancel two sale deeds being document Nos.3192 of 2000 and 3193 of 2000 standing in the name of petitioners and for perpetual injunction.

4. Written statement was filed by petitioners opposing the suit claim.

5. Trial was completed and the suit itself was posted for judgment on 07-12-2016.

6. It was then reopened due to transfer of the Presiding Officer and subsequently arguments were heard.

7. At that point, on the pretext of transfer of connected case, adjournments were sought from 07-07-2017 onwards and thereafter it was informed to the Court that there is no connected matter and the representation was made by mistake.

8. Subsequently plaintiffs argued the suit on 17-11-2017 and thereafter the matter was posted for arguments of defendants upto 21-03-2018. After hearing arguments of defendant Nos.22 and 23, the matter was posted for judgment on 03-04-2018.

9. At that stage, petitioners/defendant Nos.40 and 41 filed I.A.No.1542 of 2018, 1543 of 2018 and 1544 of 2018 invoking Order VIII Rule 1-A (3) C.P.C., Section 151 C.P.C. and Order XVIII Rule 17 C.P.C. to receive additional documents, to reopen the case and to recall D.W.3 to mark the additional documents in the main suit.

10. Counter-affidavit was filed by plaintiffs opposing the said applications stating that it had become the habit of the petitioners to stall the pronouncement of judgment for one reason or the other; on earlier occasions also, petitioners had filed similar applications when the Court had posted the case for judgment; the petitioners are now seeking to submit latest pattadar pass books of agricultural land issued by the Revenue Department along with cheque issued to them, but the said pass books as well as cheques are not relevant to this case which pertains to the year 2006 and the documents intended to be submitted by petitioners are of the year 2018. It is contended that these documents are not reflected in the written statement and therefore the same cannot be received by the Court and D.W.3 cannot be recalled to mark these documents.

11. By common order dt.07-02-2019, the Court below dismissed the three applications. It took note of the fact that the case had been

posted for arguments of the plaintiffs from 06-03-2017 onwards upto 17-11-2017 and for defendants arguments from 03-01-2018 onwards upto 21-03-2018; one year after 17-11-2017, petitioners have filed these applications; whenever the case is posted for arguments, such applications are being filed. It also pointed out that old patta pass book and title deed issued prior to the new patta pass book and title deed are relevant for consideration even if new patta pass book and title deed are not received.

12. Assailing the same, these Revisions are filed.

13. Learned counsel for petitioners contended that if the petitioners are not permitted to submit the said documents which are the latest pattadar pass book and title deed and an order passed by the Revenue Divisional Officer in Appeal No.A2/1065/2009 on 09-10-2017, by reopening the suit and recalling D.W.3 for marking the said documents, grave prejudice would be caused to the petitioners.

14. As pointed out by the Court below, the suit is of the year 2006 and had been posted for arguments from 06-03-2017 onwards and arguments of the plaintiffs had been completed on 17-11-2017. Petitioners and other defendants had dragged on the matter thereafter and when the matter was posted for judgment on 06-04-2018, they had come up with the present applications.

15. As pointed out by the Court below, on the pretext that there is a connected case, adjournments were sought in the suit from 07-07-2017 onwards and later it was reported that there is no such

connected matter and that the representation was made by mistake. Arguments of the plaintiffs had already been completed on 17-11-2017 and if the petitioners are now permitted to reopen the case, recall D.W.3 and mark new documents, grave prejudice would be caused to the plaintiffs.

16. The suit is being one for partition, the documents which are already filed and reflected in the suit would have to be considered and documents which have come into existence subsequently would not have any bearing on the suit. I am therefore of the opinion that the Court below had rightly rejected all the three applications by the impugned order.

17. Therefore, I do not find any merit in these Revisions and they are accordingly dismissed. No costs.

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

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 06-03-2019

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