THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.904 and 943 of 2019

COMMON ORDER:

Since the issue involved in both the revision petitions is one and the same, they are being disposed of by this common order.

2. These two Civil Revision Petitions, under Article 227 of the Constitution of India, are filed aggrieved by the order, dated 04.02.2019, passed in I.A.Nos.76 and 77 of 2018 in O.S.No.269 of 2015 by the Principal Junior Civil Judge, Ranga Reddy District at L.B.Nagar, wherein I.A.No.76 of 2018 filed under Section 151 C.P.C to reopen the case and I.A.No.77 of 2018 filed under Order XVIII Rule 17 read with 151 C.P.C to recall P.W.2 for production of record of approved layout, were dismissed.

3. Heard the learned counsel for the revision petitioner, the learned counsel for respondents 1 and 4, and perused the record.

4. The petitioner herein is the plaintiff in the subject suit. She filed the said suit for perpetual and mandatory injunction in respect of the suit schedule property against the respondents herein. It is relevant to state that the trial of the subject suit has been completed and the matter is posted to 19.01.2018 for arguments of the petitioner. The counsel appearing for the petitioner before the Court below was suffering from fever, he could not appear on that day and therefore, the Court below reserved the suit for Judgment. At that stage, the petitioner

filed the subject applications to reopen the case and to recall P.W.2 for production of record of the approved layout in respect of Survey Nos.8 to 11 and 32 of Jillellaguda Village, for the purpose of identity of boundaries of the suit schedule property for adjudication of the suit.

5. In the course of submissions, it is brought to the notice of this Court that already a copy of layout was marked as Ex.A.10. P.W.2 is a public servant and if the petitioner wanted to mark any document, she would have filed an application before the authorities concerned and obtained the certified copy of the same and could have marked the said certified copy in the subject suit by examining P.W.2. She did not do so for the reasons best known to her. The subject applications were filed at belated stage i.e., the suit is reserved for Judgment. The facts that led to filing of the subject applications were within the knowledge of the petitioner as on the date of filing of the suit. There are grave laches on the part of the petitioner. In the given circumstances, the Court below is justified in dismissing both the applications. There is no perversity in the order passed by the Court below. Hence, both the Civil Revision Petitions are devoid of merit and are liable to be dismissed.

6. Accordingly, both the Civil Revision Petitions are dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in these two revision petitions shall stand closed. There shall be no order as to costs.

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Dr. SHAMEEM AKTHER, J

20th November, 2019
YVL

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.904 and 943 of 2019

Date:20.11.2019

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