

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.Nos.2742 and 2745 of 2013

COMMON ORDER:

These two Revisions are filed under Article 227 of the Constitution of India challenging the orders dt.13.03.2013 in I.As.No.3891 and 3892 of 2012 in LGOP.No.798 of 2001 on the file of the II Additional District Judge, Ranga Reddy District.

2. Petitioner herein is the 1st respondent in the LGOP which was filed by the 1st respondent herein to declare the petitioner and others as land grabbers.

3. After the evidence of the 1st respondent was closed on 19.04.2012, the matter was posted for the petitioner and other respondents' evidence to 27.04.2012. Thereupon, it was adjourned to 04.05.2012, 04.06.2012, 26.06.2012, and ultimately on 10.07.2012 the evidence of the petitioner was closed.

4. On 17.07.2012, 4th respondent in the LGOP made an application reopen his evidence.

5. The said application was allowed and his evidence was received as RW1 and Exs.B1 to B3 were marked and he was

cross-examined before an Advocate-Commissioner and the Advocate-Commissioner filed Report on 09.11.2012.

6. From 09.11.2012, the matter was adjourned to 19.11.2012 and on that date, no evidence was adduced by other respondents and so the respondents' evidence was closed and the case was posted to 26.11.2012 for arguments and from that date it was again adjourned to 12.12.2012.

7. On 12.12.2012, petitioner herein filed I.A.No.3891 of 2012 to reopen his evidence and permit him to file chief-examination affidavit and I.A.No.3892 of 2012 under Order VIII Rule 1(A) CPC to grant him leave to file documents and mark the same in B-Series.

8. By separate orders dt.13.03.2013, the Court below dismissed both the applications. It recorded the opportunities given to the petitioner to lead evidence on several occasions and indulgence was shown to the petitioner by the Court since the petitioner claimed to have suffered a bereavement on account of the death of his young son, while granting time in June, 2012 to him. It also noted that on 17.07.2012, chief examination affidavit was not filed and the petitioner had allowed the 4th respondent in the O.P. to adduce evidence and 7 months later, he filed these applications. It also

criticized the suppression of the date of the death of the petitioner's son in the affidavit filed in support of these applications and observed that if that date was to be mentioned, it would indicate the inordinate delay in filing these applications. It observed that the petitioner, who is facing land grabbing case of the year 2001, wanted to protract the matter for years to come, and not being satisfied by the decade long delay in its disposal even by 2012, he has tried to drag it on further.

9. Assailing the same, both these Revisions are filed.

10. Counsel for the petitioner contended that petitioner was grief stricken because of the death of his son and sympathy ought to be shown to the petitioner by the Court below. It is also contended that petitioner is an aged person, heart patient and has underwent heart surgery also and so sympathetic view should be taken and an opportunity be given to the petitioner to lead evidence.

11. Admittedly, the O.P. against the petitioner was filed in 2001 by the 1st respondent. It had come up for trial 11 years later in 2012 and the evidence of the 1st respondent in the O.P. had been closed on 19.04.2012 itself, and from 27.04.2012 several adjournments were granted i.e.,

04.05.2012, 04.06.2012, 26.06.2012, and ultimately on 10.07.2012, the evidence of the petitioner was closed. The evidence of 4th respondent was adduced by 09.11.2012 and thereafter the matter was adjourned to 19.11.2012, 26.11.2012, and 12.12.2012, and on all these occasions, petitioner took no steps, and only approached the Court by filing these applications on 20.12.2012.

12. While the petitioner having suffered the loss of his son may be a ground to grant adjournments for a short while, which the Court below had done, the petitioner cannot rely on the said fact indefinitely and keep postponing even filing of the chief-examination affidavit, which appears to have been made ready on 17.07.2012 itself.

13. In as much as the OP has been pending for the last 18 years, the conduct of the petitioner does not appear to be bonafide and he seems to be keen on keeping the OP pending as long as possible in the vain hope that the 1st respondent would lose interest in pursuing it. Such conduct on the part of the petitioner does not deserve any sympathy, particularly, when he sought the opportunity to lead evidence 7 months after the evidence of the 1st respondent/applicant in the OP was closed and though his own evidence was closed on 10.07.2012 by filing these applications on 12.12.2012.

14. I therefore do not find any error of jurisdiction in the orders passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India. Interim order granted earlier in CRP.No.2742 of 2013 shall stand vacated.

15. Accordingly, these Civil Revision Petitions are dismissed. No order as to costs.

16. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

22nd April, 2019.

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