

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.Nos.2545, 2551 and 2554 of 2018

COMMON ORDER:

These three Revisions arise between the same parties out of the same suit. So, they are being decided by this common order.

2. Petitioner in all these Revisions is the plaintiff.
3. The said suit was filed against the 1st respondent and another for specific performance of an Agreement of Sale dt.20.10.2010 where under he alleged that the 1st respondent agreed to sell his property to him for Rs.38,00,000/- per acre. According to the petitioner, part consideration of Rs.5,00,000/- was paid and subsequently a sum of Rs.2,00,000/- was paid, and when the 1st respondent did not receive the balance consideration, he had to file the suit.
4. Written Statement was filed by the 1st respondent accepting execution of the suit Agreement of Sale and receipt of part consideration amount as contended in the plaint and blaming the petitioner for not showing any interest to proceed further in the transaction due to paucity of funds.
5. Issues were framed, trial commenced and petitioner in his evidence had already filed his bank accounts which are marked as Exs.A11 to A13.
6. Petitioner then filed I.A.No.47 of 2018 under Order VII Rule 14(3) of CPC alleging that he had sold properties during the period

after the execution of the suit agreement of sale for purchase of the property under documents No.3192/2011 and 4485/2011; that this would show that he had the capacity to pay the balance sale consideration; and he ought to be permitted to file the said documents.

7. Petitioner also filed I.A.No.48 of 2018 under Order XVIII Rule 17 CPC to recall PW1 for marking of the documents and I.A.No.46 of 2018 to reopen the suit to receive the said documents.

8. The 1st respondent opposed the said applications stating that petitioner had already filed his bank account statement as Exs.A11 to A13; that there is no necessity to again file certified copies of the documents now sought to be submitted by the petitioner; and there is no necessity to reopen the evidence of the petitioner.

9. The Court below rejected all the three applications stating that evidence on both sides was closed and the suit was coming for arguments and only to drag on the proceedings, the present applications are filed by the petitioner. It held that since petitioner has already filed Exs.A11 to A13, bank accounts, there is no necessity to reopen the suit, recall PW-1 and mark the documents now sought to be submitted by the petitioner.

10. Assailing the said orders, these Revisions are filed.

11. Though counsel for petitioner contended that petitioner would be put to grave prejudice if these documents are not received and considered by the Court below, the fact remains that petitioner had

already filed Exs.A11 to A13, bank accounts, to substantiate his plea that he was having sufficient funds to pay the balance consideration payable in the suit Agreement of Sale. Therefore, after the evidence on both sides was closed and the suit is posted for arguments, petitioner cannot be again given an opportunity to file the sale deeds which he executed pending the suit in 2011 in support of his plea in the suit that he has sufficient funds to pay the balance consideration under the suit agreement of sale.

12. Therefore, I do not find any error of jurisdiction in the orders passed by the Court below warranting interference of this Court under Article 227 of the Constitution of India.

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

14. Consequently, miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

26th February, 2019.

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