

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NOS. 415, 416 & 417 OF 2023

COMMON ORDER:

The present Civil Revision Petition is filed by the petitioner being aggrieved by the orders passed in I.A.No.1269/2022, I.A.No.1270/2022 and I.A.No.1271/2022 respectively in O.S.No.171/2012, on the file of the learned II Additional Junior Civil Judge, Chittoor.

2. The petitioners herein are the plaintiffs and respondents are the defendants. The petitioners herein filed O.S.No.171/2012 for grant of permanent injunction restraining the defendants, their men, agents interfering from plaintiffs peaceful possession and enjoyment of the suit schedule property in any manner.

3. When the matter is posted for arguments, these interlocutory applications are filed by the petitioner, vide I.A.No.1269/2022 under Section 151 of C.P.C. to reopen the suit which is posted for arguments for the purpose of marking of documents in the suit, I.A.No.1270/2022 under Section 151 of C.P.C. to recall the PW1 to mark the documents in this suit, and I.A.No.1271/2022 under Order 7 Rule 14 and under Section 151 of C.P.C. to receive the documents for marking the same as exhibits in the suit. To the said applications respondents filed their

counter objecting that, it is in the belated stage and the plaintiffs have not explained the necessity of the documents which they sought to produce in the suit and there are no merits in the petition and accordingly prayed to dismiss the application. The Court below after elaborate enquiry dismissed the said applications by common order dated 19.01.2023. As such, the present revisions have been filed.

4. Heard Sri K.Venkateswarulu, learned counsel for petitioner.

5. Learned counsel for petitioner in elaboration to what has been raised in the grounds contended that, the plaintiffs plaint schedule property is a settlement land and not a gramakantam land, as such the petitioner has obtained the documents under RTI Act on 3.12.2022 from the Tahsildar, G.D.Nellore and obtained attested copies of adangal, 1-B extract, A-register extract in respect of suit schedule property and those documents are very essential to substantiate the case of the petitioners. He further contended that the Court below has erroneously dismissed the application without assigning any reasons and without seeing the purport of the provisions of the C.P.C. He further contended that, the petitioners have good case to agitate in this revision and if such applications are not considered and allowed, the petitioners will be put to irreparable loss and great hardship. As such, prayed to consider these revision petitions.

6. Perused the record. The suit is for permanent injunction and at the stage of arguments, plaintiffs filed the present applications. The Court below has categorically observed that the petitioners made several interlocutory applications and they were disposed of after closure of evidence of the petitioners, and during the course of evidence of the respondents, the petitioners came up with 3 petitions to reopen the evidence of the petitioners, to recall PW1 and to receive the documents. The said interlocutory applications are allowed and an opportunity was given to the petitioners to prove their case and subsequently they have filed I.A.No.446/2021 and made attempt to amend the plaint with another version which was dismissed by this Court and after completion of evidence on both sides and when the matter was posted for arguments, at this stage, they again came up with these applications. The Court also categorically observed that the petitioners have no interest to dispose of the suit which is filed on 07.05.2012. The Court has further taken into consideration that, the defendants have filed written statement on 14.09.2012 itself and when the matter is posted for trial on 19.01.2013 itself, they must know what type of evidence is required to prove the case and in spite of it the plaintiffs did not choose to take steps in that regard and only after the matter being posted for arguments, the present applications have been filed and the same were dismissed by the Court below with said

observations. This Court do not find any irregularity or impropriety and as there are no valid grounds raised in the present revision warranting the interference of this Hon'ble court, these revisions are liable to be dismissed.

Accordingly, the civil revision petitions are **dismissed**. No costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

23.02.2023

BRS