

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD
CIVIL REVISION PETITION Nos.6596 of 2018, 6470 of 2018
and 6475 of 2018

COMMON ORDER :

Civil Revision Petition No.6596 of 2018 arises out of the order dated 8.10.2018 passed in I.A.No.1133 of 2018 in O.S.No.131 of 2009 on the file of the Court of the Principal Junior Civil Judge-cum-Judicial Magistrate of I Class, Puttur.

Civil Revision Petition No.6470 of 2018 arises out of the order dated 8.10.2018 passed in I.A.No.1131 of 2018 in O.S.No.131 of 2009 on the file of the Court of the Principal Junior Civil Judge-cum-Judicial Magistrate of I Class, Puttur.

Civil Revision Petition No.6475 of 2018 arises out of the order dated 8.10.2018 passed in I.A.No.1132 of 2018 in O.S.No.131 of 2009 on the file of the Court of the Principal Junior Civil Judge-cum-Judicial Magistrate of I Class, Puttur.

2. Heard the learned counsel for the petitioners and learned counsel for the respondent.

3. The revision petitioners are the plaintiffs and respondents are the defendants in the O.S.No.131 of 2009. The suit filed for permanent injunction and for damages. Both the parties have adduced their evidence. The evidence on the defendants side was completed on 28.08.2018, and since then, the case is coming up for arguments. The petitioners / plaintiffs came up with the present application for recall of the witness P.W.1, for receiving document, And to mark the document.

4. The trial court has dismissed the application holding that the petitioners have not given any explanation why they did not choose to file the documents and why they want to mark those documents now, at this stage of arguments.

5. The petitioners had filed an affidavit stating in para-5, that the petitioners obtained certified copy of the registered sale deed dated 3.12.2012 executed by the defendant in favour of his daughter G.Jayanthi and in the said sale deed, it is clearly mentioned that on the eastern side boundary, the land of Venugopal is situated, who is no other than the husband of the 2nd petitioner herein. Those documents were obtained recently from the Sub-Registrar's Office, Chittoor, and according to the petitioners, those documents are very essential to prove their case.

6. The petitioners further submit that the defendant's daughter namely G.Jayanthi filed a suit in O.S.No.155 of 2018 against the one M.Babu Naidu and others claiming land in Survey No. 21/6A situated to the West of the plaint schedule property. The petitioners have obtained Certified Copy of plaint and petition in original suit No. 155 of 2018 on the file of the Court of Principal Junior Civil Judge, Puttur. As per the plaint and other documents filed in the said suit, the defendant was not the owner of the said land in survey No. 21/6A. The defendant and his daughter suppressed the said fact in the written statement filed by them. They also stated that they have obtained those documents very recently and therefore, seeking permission to receive the documents as evidence.

7. Learned counsel for the respondent submits that the documents are irrelevant for the disposal of the suit. The petitioners have taken many adjournments to advance arguments in the case. In order to protract the proceedings, they have filed this application, as such, there are no valid grounds to allow this petition.

8. It is evident from the record that the petitioners filed a suit for permanent injunction and for damages in the year 2009. The petitioners have come up with the petition to receive the documents, at the fag end of the trial. The trial court has not considered whether those documents are relevant or not. The trial court had dismissed the application only on the ground that they filed at a belated stage of the trial. The learned counsel for the petitioners has stated that he has recently obtained the certified copy of the documents and therefore, he wants to file those documents to prove the case of the petitioners.

9. In view of the facts and circumstances of the case, this Court of is of considered view that the order dated 8.10.2018 passed in I.A.No.1133 of 2018 in O.S.No.131 of 2009 on the file of the Court of the Principal Junior Civil Judge-cum-Judicial Magistrate of I Class, Puttur, is hereby set aside. The trial Court is directed to give opportunity to P.W.1 to adduce further evidence by re-opening and recalling him and mark the documents subject to proof and relevancy. As the suit in O.S.No.131 of 2009 is of the year 2009, the trial Court is further directed to dispose of the said suit within a period of three (03) months from the date of receipt of a copy of this order.

10. With the above observations, Civil Revision Petition No.6596 of 2018 is disposed of. In view of the above findings in CRP.6596 of 2018, the other two revision petitions in C.R.P.No.6470 of 2018 and C.R.P.No.6475 of 2018 are also disposed of by setting aside the trial Court orders dated 8.10.2018 passed in I.A.No.1131 of 2018 and I.A.No.1132 of 2018 in O.S.No.131 of 2009 on the file of the Court of the Principal Junior Civil Judge-cum-Judicial Magistrate of I Class, Puttur. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, in these Civil Revision Petitions shall stand closed.

G.SHYAM PRASAD, J

Dated : 26.02.2020
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