

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CIVIL REVISION PETITION No.1120 of 2023

ORDER:

The petitioners had moved O.S.No.47 of 1985 before the Principal Senior Civil Judge, Eluru, for specific performance of an agreement of sale which was allowed. Aggrieved by the said judgment and decree, the respondents had moved A.S.No.8 of 2016 before the VII Additional District Judge, West Godavari, Eluru. During the pendency of this appeal, the petitioners moved I.A.No.1112 of 2022 under Order 41 Rule 27 (AA) read with Section 151 of Civil Procedure Code for production of additional evidence which is the judgement and decree dated 24.01.2018 in O.S.No.40 of 2018 on the file of the Principal Senior Civil Judge, Eluru, as well as, F.I.R.No.94 of 2018 and F.I.R.No.186 of 2020 registered in Dwaraka Tirumala Police Station. This application was dismissed by the Appellate Court on 06.03.2023.

2. Aggrieved by the same, the petitioners have approached this Court under this Civil Revision Petition. It is

the case of the petitioners that the said documents are necessary to demonstrate the unfair conduct of the respondents herein and the Appellate Court ought to have allowed the said application.

3. A perusal of the order of the Appellate Court shows that the application was dismissed by the Appellate Court on the ground that there were no pleadings showing the necessity of allowing additional evidence at the stage of the appeal. A perusal of the said affidavit also show that there are no pleadings setting out reasons as to why the application should be allowed.

4. In the circumstances, this Court does not find any reason to interfere with the order. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J

01.05.2023
RKS