



IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

THURSDAY, THE TWENTY SEVENTH DAY OF MARCH  
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CIVIL REVISION PETITION NO: 429, 443 & 521 OF 2025

CIVIL REVISION PETITION NO: 429 OF 2025

Petition under Article 227 of the constitution of India against the Order dated 06.01.2025 passed in I.A. No. 103 of 2024 in O.S.No. 54 of 2024 on the file of the Court of the Senior Civil Judge at Nakrekal.

**Between:**

Shivarathri Yellaiah, Son of Pitchaiah, Aged 51 years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District

...REV PETITIONER/PETITIONER/PLAINTIFF

AND

1. Shivarathri Veeraiah, Son of Iddaiah, Aged 65 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
2. Shivarathri Laxamma, Wife of Veeraiah, Aged 57 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
3. Shivarathri Raju, Son of Veeraiah, Aged 33 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
4. Shivarathri Saidamma, Wife of Raju, Aged 29 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
5. Janagam Ravi, Son of Mahankali, Aged 37 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
6. J. Badraiah, Son of Veeraiah, Aged 42 Years, Occ. Agriculture, R/o Yellareddygudem Village, Narketpally Mandal, Nalgonda District
7. J. Alivelu, Wife of Badraiah, Aged 39 Years, Occ. Agriculture, R/o Yellareddygudem Village, Narketpally Mandal, Nalgonda District
8. A. Venkanna, Son of Yadaiah, Aged 39 years, Occ. Agriculture, R/o Vangamarthy Village, Shaligouraram Mandal, Nalgonda District
9. A. Vijaya, Wife of Venkanna, Aged 39 years, Occ. Agriculture, R/o Vangamarthy Village, Shaligouraram Mandal, Nalgonda District



2025:TSHC:20019

**...RESPONDENTS/ RESPONDENTS/DEFENDANTS**

**CIVIL REVISION PETITION NO: 443 OF 2025**

Petition under Article 227 of the constitution of India against the Order dated 06.01.2025 passed in I.A. No. 102 of 2024 in O.S.No. 54 of 2024 on the file of the Court of the Senior Civil Judge at Nakrekal.

**Between:**

Shivarathri Yellaiah, Son of Pitchaiah, Aged 51 years, Occ Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District

**...REV PETITIONER/PETITIONER/PLAINTIFF**

**AND**

1. Shivarathri Veeraiah, Son of Iddaiah, Aged 65 Years, Occ Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
2. Shivarathri Laxamma, Wife of Veeraiah, Aged 57 Years, Occ Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
3. Shivarathri Raju, Son of Veeraiah, Aged 33 Years, Occ Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
4. Shivarathri Saidamma, Wife of Raju, Aged 29 Years, Occ Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
5. Janagam Ravi, Son of Mahankali, Aged 37 Years, Occ Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
6. J. Badraiah, Son of Veeraiah, Aged 42 Years, Occ Agriculture, R/o Yellareddygudem Village, Narketpally Mandal, Nalgonda District
7. J. Alivelu, Wife of Badraiah, Aged 39 Years, Occ Agriculture, R/o Yellareddygudem Village, Narketpally Mandal, Nalgonda District
8. A. Venkanna, Son of Yadaiah, Aged 39 years, Occ Agriculture, R/o Vangamarthy Village, Shaligouraram Mandal, Nalgonda District
9. A. Vijaya, Wife of Venkanna. Aged 39 years, Occ Agriculture, R/o Vangamarthy Village, Shaligouraram Mandal, Nalgonda District

**...RESPONDENTS/ RESPONDENTS/DEFENDANTS**

**IA NO: 1 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in O.S.No. 54 of 2024 on the file of Senior Civil Judge Nakrekal, pending disposal of main civil Revision Petition.



2025:TSHC:20019

**CIVIL REVISION PETITION NO: 521 OF 2025**

Petition under Article 227 of the constitution of India against the Order dated 06.01.2025 passed in I.A. No. 104 of 2024 in O.S.No. 54 of 2024 on the file of the Court of the Senior Civil Judge at Nakrekal.

**Between:**

Shivarathri Shivarathri Yellaiah, Son of Pitchaiah, Aged 51 years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District

**...REV PETITIONER/PETITIONER/PLAINTIFF**

**AND**

1. Shivarathri Veeraiah, Son of Iddaiah, Aged 65 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
2. Shivarathri Laxmamma, Wife of Veeraiah, Aged 57 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
3. Shivarathri Raju, Son of Veeraiah, Aged 33 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
4. Shivarathri Saidamma, Wife of Raju, Aged 29 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
5. Janagam Ravi, Son of Mahankali, Aged 37 Years, Occ. Agriculture, R/o Manimadde Village, Shaligouraram Mandal, Nalgonda District
6. J. Badraiah, Son of Veeraiah, Aged 42 Years, Occ. Agriculture, R/o Yellareddygudem Village, Narketpally Mandal, Nalgonda District
7. J. Alivelu, Wife of Badraiah, Aged 39 Years, Occ. Agriculture, R/o Yellareddygudem Village, Narketpally Mandal, Nalgonda District
8. A. Venkanna, Son of Yadaiah, Aged 39 years, Occ. Agriculture, R/o Vangamarthy Village, Shaligouraram Mandal, Nalgonda District
9. A. Vijaya, Wife of Venkanna. Aged 39 years, Occ. Agriculture, R/o Vangamarthy Village, Shaligouraram Mandal, Nalgonda District

**...RESPONDENTS/ RESPONDENTS/DEFENDANTS**

**Counsel for the Petitioner in all C.R.P.s: SRI E SREENIVASA RAO**

**Counsel for the Respondents in all C.R.P.s:**

**The Court made the following: COMMON ORDER**



2025:TSHC:20019

**THE HON'BLE SRI JUSTICE T.VINOD KUMAR**

**C.R.P.Nos.429, 443 and 521 of 2025**

**COMMON ORDER:**

Since, all these Civil Revision Petitions are inter-connected, they are being heard and disposed of together by this common order.

2. The Civil Revision Petition *vide* CRP.No.429 of 2025 is filed aggrieved by the order, dt.06.01.2025 in IA.No.103 of 2024 in O.S.No.54 of 2024 on the file of the Senior Civil Judge, Nakrekal, whereby the said application filed under Section 151 of Civil Procedure Code, 1908 (for short 'the Code') to re-open the matter for the purpose of receiving documents on behalf of the petitioner/plaintiff and to recall PW1 for the purpose of marking the said documents, was dismissed.

3. The Civil Revision Petition *vide* CRP.No.443 of 2025 is filed aggrieved by the order, dt.06.01.2025 in IA.No.102 of 2024 in O.S.No.54 of 2024 on the file of the Court below, whereby the said application filed under Order VII Rule 14 of the Code to receive the documents filed along with the said application for the purpose of marking, was dismissed.

4. CRP.No.521 of 2025 is filed aggrieved by the order, dt.06.01.2025 in IA.No.104 of 2024 in O.S.No.54 of 2024 on the file of the Court below, whereby the said application filed under Order XVIII Rule 17 of the Code seeking to recall PW1 for the purpose of marking the documents, was dismissed.

5. Petitioner herein is the plaintiff in the above suit *vide* OS.No.54/2024 (old O.S.No.751 of 2014) filed for declaration of title and for grant of perpetual injunction.

6. While the aforesaid suit is coming up for cross-examination of DW-2, the petitioner herein had filed the underlying applications seeking to reopen the matter, for the purpose of receiving additional documents and to mark the same by recalling PW1.

7. Learned counsel for the petitioner in all the revision petitions contends that the petitioner intended to file additional documents as the said documents are very much required to prove his case as pleaded by him in the plaint, and for the said purpose his evidence as PW1 is required to be re-opened, and mark the said documents by recalling him/PW1.



8. It is further contended that the Court below without considering the reasons assigned for filing the underlying interlocutory applications had dismissed the aforesaid applications, and thus, seeks for allowing these revision petitions by setting aside the impugned orders of the Court below passed in the underlying interlocutory applications.

9. Heard learned counsel for petitioner and perused the record.

10. At the outset, in order to examine, as to whether the impugned orders passed by the Court below declining to re-open the evidence of the plaintiff, receive the additional documents sought to be marked and recall PW1 to mark the said documents, suffers from any infirmity, it is necessary to note the following facts.

11. The petitioner herein had instituted the subject suit in the year 2014; that in the said suit he had filed chief examination affidavit on 29.11.2018 and was cross-examined on behalf of the respondents/defendants on 06.11.2019; that thereafter, the respondents/defendants' evidence was also closed on 16.12.2021, and presently, the suit is posted for arguments.



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12. On closure of evidence on the side of respondents/defendants in the suit, the petitioner had filed the underlying interlocutory applications seeking the aforesaid reliefs.

13. In the said interlocutory applications, the respondents had filed their counter opposing the same by contending that the underlying applications are filed belatedly at the stage of arguments in the suit, only, to cause delay in disposal of the suit; that no cogent reasons are given as to why the additional documents sought to be marked could not be filed by the petitioner/plaintiff at the time of giving evidence, when they are in his custody all these days; and thus, the said documents are fabricated and are not relevant to the case.

14. The Court below by taking note of the arguments advanced on both sides had noted that the petitioner herein did not assign any cogent reasons as to his inability to file the said documents earlier.

15. Further, the Court below also noted that filing of underlying applications on closure of evidence of defendants would *firstly* indicate that the petitioner was not vigilant and



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*secondly*, the underlying applications are filed only for the purpose of dragging the matter. Noting as above, the Court below dismissed the underlying applications.

16. Though it is sought to be contended on behalf of the petitioner that the additional documents sought to be filed in the above case are very much required to prove the case of the petitioner, no reason has been assigned for not filing the same either along with the suit or at the time of filing his chief examination affidavit as PW1, and on the other hand, the underlying interlocutory applications are filed after commencement of the respondents/defendants' side evidence and its closure on 16.12.2021.

17. The Hon'ble Supreme Court in **Vadiraj Nagappa Vernekar v. Sharadchandra Prabhakar Gogage**<sup>1</sup> held that the power conferred under Order XVIII Rule 17 of the Code to recall evidence is to be used sparingly, and that such a power was primarily conferred to enable the Court to clarify any doubts with regard to the evidence led by the parties. The said power is not intended to be used to fill up omissions in the evidence of a witness who has already been examined.

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<sup>1</sup> (2009) 4 SCC 410



18. Further, the Apex Court in **K.K.Velusamy Vs. N.Palanisamy**<sup>2</sup> examining the scope of Order XVIII Rule 17 of the Code held that, the amendments to the Code were made to ensure that the arguments were heard immediately after completion of evidence without any unnecessary delay. The Court further held that an application for recalling a witness cannot be allowed for the mere asking unless the Court concludes that such an application was *bona fide*, and the additional evidence was necessary to clarify the evidence adduced.

19. This Court also in **Vandanapu vs. Yedamakanti Jyothi Rani and Ors.**<sup>3</sup> dealing with a similar issue held that the discretionary powers vested in the Court should be exercised sparingly and for compelling reasons. This Court further held that an unduly liberal approach should not be adopted while dealing with applications seeking to adduce additional evidence.

20. If the position of law as enunciated by the Apex Court and this Court in the above cases is taken into consideration, the filing of underlying interlocutory applications by the petitioner

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<sup>2</sup> (2011) 11 SCC 275

<sup>3</sup> MANU/TL/0591/2021



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after closure of evidence on the respondents/defendants' side and when the matter is posted for arguments, that too, without assigning any cogent reasons as noted by the Court below, would only go to show that the petitioner is only intending to fill up the omissions and trying to cover up the lacunas in his evidence, which course of action cannot be permitted. It is for the said reason, the Court below while dismissing the underlying interlocutory applications had rightly noted that the petitioner was not diligent and also did not assign sufficient reasons for filing the said applications at a belated stage. The said finding, in the considered view of this Court, does not suffer from any infirmity warranting interference by this Court in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

21. Accordingly, these Civil Revision Petitions fail and are dismissed. No order as to costs.

22. Miscellaneous petitions, if any, pending shall stand closed.

SDI-A.SREENIVASA REDDY  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The SENIOR CIVIL JUDGE AT NAKREKAL
2. One CC to SRI E SREENIVASA RAO Advocate [OPUC]
3. Two CD Copies

SS/PSL

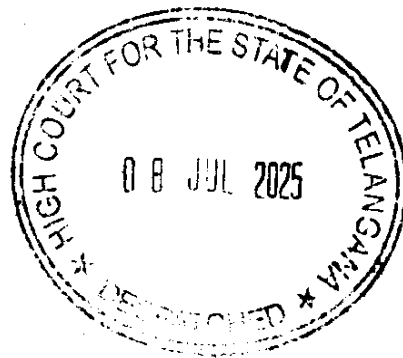


2025:TSHC:20019

**HIGH COURT**

**DATED:27/03/2025**

**COMMON ORDER ,  
CRP.Nos.429, 443, 521 of 2025**



**DISMISING THE C.R.P.s  
WITHOUT COSTS**

*5mt  
7/7/25*