

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Civil Revision Petition No.1654 of 2015

Between:

Master Kappala Ashish

.... Petitioner

Vs.

Karri Srinivasu & Anr.

.... Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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ORDER:

Despite service of notice, neither respondents 1 and 2 are present nor are they represented by their counsel. An application under Section 151 CPC was filed before the Court below to reopen the matter and recall PW.4 for further examination. In the affidavit filed in support of the I.A., the petitioner stated that, while PW.4 had stated that the petitioner did not suffer serious injuries, Exs.X1 to X5 clearly show that the petitioner sustained a fracture of Medial Malleolus both tibia; he underwent surgery on 09.04.2010; and, as the treatment was not proper, they had got discharged from the Hospital and had availed treatment from Dr.K.Vishnu Prasad, Orthopaedician and Neuro Surgeon, among others. It is their case that the petitioner should be permitted to examine PW.4 further and confront him with Exs.X1 to X5 to show that his earlier deposition, that the petitioner did not suffer any serious injury, was incorrect.

The Court below, by a cryptic order, recorded that, as PW.4 was examined at length, there were no grounds to reopen the matter at that stage. No finding has been recorded by the Court below regarding the petitioner's assertion that Exs.X1 to X5 would belie the evidence of PW.4 that the petitioner had not suffered serious injuries. I consider it appropriate, in such circumstances, to set aside the order of the Court below and remand I.A.No.622 of 2014 in MOP No.383 of 2011 to the Court below for its adjudication afresh. As the claim in the MOP is for payment of compensation for the injuries suffered by him, I consider it appropriate to direct the Court below to decide I.A.No.622 of 2014 in MOP No.383 of 2011 afresh, and in accordance with law, with utmost expedition.

The Civil Revision Petition is, accordingly, disposed of. The Miscellaneous Petitions, if any pending, shall also stand disposed of. No costs.

(RAMESH RANGANATHAN, J)

Date:14.08.2015.

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