

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos. 3168 and 3195 of 2015

DATED 31st December, 2015

BETWEEN

Chintapalli Kanaka Durga

...Petitioner in both CRPs

And

Gutta Ramakrishna and anr

...Respondents in both CRPs

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos. 3168 and 3195 of 2015

COMMON ORDER:

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These two Civil Revision Petitions arise out of the same O.S.No.130 of 2010 on the file of the learned VIII Additional District and Sessions Judge, Vijayawada. Despite service of notice, none reappeared for the respondents nor any representation is made on their behalf.

The first respondent herein filed the aforesaid suit seeking specific performance of agreement of sale dated 4.12.2008 executed by the petitioner herein. The second respondent/second defendant herein is the subsequent purchaser. After completion of evidence, the petitioner/first defendant filed two applications being I.A.No.510 of 2015 and I.A.No.511 of 2015 for recalling of P.Ws.1 and 2 and D.Ws.1 and 2 respectively for the purpose of cross-examination by him

on the ground that there was communication gap between him and his counsel. It is stated that now he engaged new Advocate and it is necessary for him to cross examine the witnesses. It is not in dispute that the petitioner is the owner of the property. In the circumstances the Court below dismissed I.A.Nos.510 and 511 of 2015 through order dated 1.7.2015 holding that the petition was filed at the stage of posting the suit for arguments and he has not filed a petition to reopen the evidence. The Court below further observed that the petitions were filed only to drag on the proceedings at the belated stage.

Since the petitioner is the owner of the property, in order to give him sufficient opportunity in the suit, this Court feels it just and proper to allow the applications being I.A.No.510 and 511 of 2015 filed by the first defendant in the suit subject to payment of costs of Rs.1000/- each payable to the plaintiff within a period of fifteen days from the date of receipt a copy of this order. The petitioner shall cross examine the witnesses who already deposed within a period of three months from the date of receipt of a copy of this order. It is further made clear that the suit shall be disposed of by 30.04.2016.

The Civil Revision Petitions are allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Civil Revision Petitions shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 31st December, 2015.

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