

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CRP.No.4803 of 2015

Date:13.11.2015

Between:

Mikkili Madhu,

S/o Benjamin

..... Petitioner

And:

Polineni Suseela and two others.

.....Respondents

Counsel for the Petitioner: Mr. P.Nagendra Reddy

Counsel for the Respondents: None appeared

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 26.8.2015, in I.A.No.1068 of 2015 in OS.No.221 of 2012 on the file of the learned Principal Junior Civil Judge, Guntur.

Respondent No.1 has filed the above-mentioned suit for permanent injunction against the petitioner and respondent Nos.2

and 3. The petitioner is defendant No.3 in the suit. After the evidence on the plaintiff's side was completed, the petitioner's side evidence was closed on 10.3.2015. The petitioner has filed an application for reopening the trial for adducing further evidence. The said application was allowed by the lower Court on 23.7.2015. Consequent thereto, the petitioner has examined D.W-2 on his side and as no further evidence was adduced by him, the evidence on his side was closed on 11.8.2015. On 18.8.2015, he has come out with I.A.No.1068 of 2015 for reopening the trial once again to permit him to adduce further evidence. In the affidavit, filed in support of this application, he averred that reopening of the trial is necessary for examining the Advocate-Commissioner who submitted his report in OS.No.635 of 2013 on the file of the I Additional Senior Civil Judge, Guntur. This application has been dismissed by the lower Court.

From the facts noted above, it is clearly evident that the petitioner was not diligent in pursuing his cause. As observed by the lower Court, at least after the case was reopened on 31.7.2015, the petitioner ought to have been diligent in producing the evidence on his side including that of the Advocate-Commissioner. The lower Court has observed that after D.W-2 was examined, the case was adjourned on three occasions. Learned counsel for the petitioner has disputed this observation and submitted that the case was adjourned only once. However, the petitioner failed to file the proceeding sheet in support of his plea.

It is trite that the jurisdiction this Court under Section-115 of the Code of Civil Procedure is confined to examining whether the orders passed by the lower Court suffer from illegality, irregularity or impropriety. The detailed reasons given by the lower Court reveal that the order under revision does not suffer from any of these three vices. Hence, I do not find any reason to interfere with the said order and the Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.6322 of 2015 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

13th November, 2015

DR