

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

CRP.Nos.1531 & 1583 of 2015

Between:

Bukapuram Krishna Reddy,
Kurnool District.

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... Petitioner/Appellant (s)

and

Ganthi Nagi Reddy and three others.

-

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos. 1531 & 1583 OF 2015

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COMMON ORDER:

CRP.No.1531 of 2015 is filed against the docket order dated 18.02.2015, passed by the VI Additional District Judge, Kurnool, in IA.No.161 of 2014 in OS.No.20 of 2007, whereby the interlocutory application filed by the respondents herein under Order 18, Rule 17 CPC seeking to recall DW1 for further examination, was allowed.

CRP No.1583 of 2015 is filed against the docket order dated 18.02.2015, passed by the VI Additional District Judge, Kurnool, in IA.No.160 of 2014 in OS.No.20 of 2007, whereby the interlocutory application filed by the respondents herein under Sec.151 CPC seeking to reopen the case for further examination of DW1 was allowed.

Learned counsel for the petitioner submits that once deposition is recorded and signed by the parties, it cannot be corrected. His case is that the Advocate Commissioner has properly recorded the statements made by DW1 as such they require no correction. He relied on the judgment in ***Rohit Steels Pvt.Ltd, v. Poddar Projects Limited***^[1].

On the other hand the learned counsel for the respondents submits that the trial Court by taking into account the statements recorded by the Advocate Commissioner, came to a conclusion that the Advocate Commissioner has not properly recorded the evidence of DW1 and exercised its discretion for reopening the case and reexamining DW1, as such the impugned order do not warrant any interference.

The Judgment relied on by the learned counsel for the petitioner pertains to correction in the deposition, whereas, in the present case, the petitioner wants clarification in the statements made by the petitioner as they are not in consonance with the suggestions made by the petitioner's counsel, as such, the ratio laid down in the above Judgment has no application to the facts of the case on hand.

In view of the same, I do not see any error in the orders passed by the Court below warranting interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

Accordingly, both the CRPs are dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the CRP, shall stand closed.

A.RAJASHEKER REDDY, J

07.08.2015
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[\[1\]](#) 2007(1) ALT 152