

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos.3539 & 3577 of 2015

COMMON ORDER:

The petitioner herein is the defendant in O.S. No.76/2011 on the file of the Court of the learned Senior Civil Judge, Khammam.

The said suit was filed for specific performance of agreement of sale dated 30.03.2002. The evidence on behalf of the plaintiff was completed and the evidence of DW1 was also completed. At that stage, the petitioner filed I.A. No.349/2015 to recall PWs 1 and 2 for further cross-examination. Along with the said application the petitioner also filed I.A. No.348/2015 to reopen the evidence of plaintiff. The main ground taken in support of the said applications is that the plaintiff got marked exhibits A3 to A7 during the cross-examination of DW1. The said documents were marked even without filing a petition to receive the documents and without a pleading in the plaint. In those circumstances, the defendant wanted to cross-examine PWs 1 and 2. The trial Court observed that the exhibits A4 to A7 were put to DW1 and certain answers were elicited during the course of cross-examination of DW1 with regard to the signatures/thumb impression contained on those documents. In fact, DW1 admitted his signatures and also the contents of exhibits A4 to A7. Accordingly, the trial Court came to the conclusion that there was no need for conducting further cross-examination of PWs 1 and 2.

I have carefully gone through the orders in I.A. Nos.348 and 349 of 2015, dated 07.08.2015, passed by the trial Court, and in the facts and circumstances of the case, the aforesaid orders do not warrant any interference.

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

Miscellaneous Petitions, if any, pending in these Civil Revision
Petitions shall stand closed.

A.RAMALINGESWARA RAO, J

29.12.2015

MVA