

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.365 of 2014

ORDER:

This revision is filed against the order dated 24.01.2014 in I.A.No.619 of 2012 in A.S.No.102 of 2010 on the file of XIII Additional District & Sessions Judge, Ranga Reddy District.

2. Revision petitioner herein is third respondent in I.A.No.619 of 2012 and appellant before the trial Court, who filed the above referred I.A.No.619 of 2012 under Order XLI Rule 27 CPC to permit him to produce additional evidence namely to examine one of the attestors of Ex.A1 document. Appellant before the lower Court is plaintiff in O.S.No.525 of 2003. As the suit is dismissed, he preferred appeal and in the appeal, he made a request to give an opportunity to examine one of the attestors, who could not be examined in the trial Court, as he was suffering with paralysis. The appellate Court allowed the application to give chance to plaintiffs to lead additional evidence in order to come to a correct conclusion and decide the issue in question. Aggrieved by the said order, present revision is preferred.

3. Now advocate for third respondent represented that the proposed witness is no more and therefore the purpose of allowing the application I.A.No.619 of 2012 has become infructuous and consequently this revision has also become infructuous. Advocate for revision petitioner has not disputed fact of death of proposed witness.

4. Recording the submission of learned counsel for respondents, as the proposed witness is no more and the order

passed by the appellate Court in I.A.No.619 of 2012 became un-executable, the revision has become infructuous.

5. Accordingly, this Civil Revision Petition is dismissed as infructuous. No costs. Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 26-02-2015

gvl