

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

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**C.R.P. No.3088 of 2015**

**Between:**

Gudipati Venkata Prabhakar

... Petitioner

And

Malluru Parvathi

... Respondent

**JUDGMENT PRONOUNCED ON : 14.08.2015**

**THE HON'BLE SRI JUSTICE : G.CHANDRAIAH**

1. Whether Reporters of Local newspapers  
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be  
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to  
see the fair copy of the Judgment? :

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**C.R.P. No.3088 of 2015**

**ORDER:**

This revision petition has been filed aggrieved by the docket order dated 13.04.2015 passed in I.A. No.363 of 2015 in O.S. No.8 of 2009 on the file of the Senior Civil Judge, Nuzvid, Krishna District.

The revision petitioner and the respondent herein are the defendant and the plaintiff, respectively, in O.S. No.8 of 2009.

I.A. No.363 of 2015 was filed by the plaintiff seeking to re-open the case for the purpose of cross examination of D.W.2. It is submitted that she was attending her husband, who was suffering from ill-health and she could not meet her counsel to give instructions for preparation of cross examination. It is also submitted that she came to know that on the date of the cross examination the advocates did not attend the Courts for establishment of separate High Court. There is no negligence on her part in cross examination the witness on 23.03.2015.

In the said I.A., the defendant filed counter denying the allegations and submitted that on 20.11.2014 and 23.03.2015, the plaintiff avoided to cross examine the witness. Though the witness attended the Court from Hyderabad, the plaintiff intentionally did not get the witness cross examined. Since there are laches on the part of the plaintiff in proceeding with the case and therefore, requested to dismiss the said I.A.

After considering the allegations, the Court below on 13.04.2015 allowed the said I.A., with an intention to give an opportunity to the plaintiff.

The learned counsel on either side, *inter alia*, reiterated the very same grounds before this Court.

It is not in dispute that the evidence on either side was closed and the matter was posted for arguments. At this juncture, the plaintiff filed the said I.A., seeking to re-open the case and need to cross examine the D.W.2.

As could be seen from the impugned order, it is clear that the Court

below allowed the said I.A., on the ground to give an opportunity to the plaintiff. Since it is a discretionary power on the Court below to give one more opportunity, keeping in mind the facts and circumstances of the case, I do not see any reason to interfere with the impugned order.

Having regard to the facts and circumstances of the case and the submissions made by the learned counsel on either side, I do not see any reason to interfere with the impugned order and therefore, the same is liable to be dismissed.

Accordingly, this Civil Revision Petition is dismissed.

As a sequel, miscellaneous petitions, if any, stands closed.

There shall be no order as to costs.

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**JUSTICE G.CHANDRAIAH**

**Date: 14.08.2015**

LSK