

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.3825 of 2015

ORDER:

The plaintiff in O.S. No.86/2014 on the file of the Court of the learned Principal Junior Civil Judge, Mangalagiri, is the petitioner herein. He filed the said suit for declaration of title and for consequential permanent injunction. A written statement was filed by the defendant. After closure of the evidence of plaintiff and defendant, an application was filed by the plaintiff in I.A. No.1065/2015 for reopening the evidence on his behalf for further examination. A counter affidavit was filed by the defendant stating that after closure of the evidence of the defendant, the plaintiff's side evidence cannot be reopened. The trial Court dismissed the application by order dated 19.08.2015. Challenging the said order, the present Civil Revision Petition was filed.

A perusal of the impugned order shows that the cross-examination of PW1 was completed on 04.02.2015, the defendant examined DWs 1 to 3 and their evidence was closed on 22.07.2015, and the matter was posted for arguments to 29.07.2015. The present application was filed on 22.07.2015 after closure of the defendant's evidence. It also came on record that after closure of the evidence of PW1, the plaintiff filed I.A.Nos.160 and 161 of 2015 to recall plaintiff and to receive and mark documents on his behalf. The said applications were allowed on 11.03.2015, and PW1 was recalled and examined and exhibits A1 to A20 were marked.

In the light of the above facts, the order of the lower Court is correct. But, the learned counsel for petitioner submits that the proposed witness is only a neighbour and he would be examined only with regard to possession of the petitioner without resorting to filling up the gaps in his evidence after closure of the defendant's

evidence.

This Court noticed that the suit is of the year 2014 and by allowing the plaintiff to examine another witness on his behalf, the suit is not going to be unnecessarily delayed. In those circumstances, this Court asked the counsel for petitioner to indicate the name of witness as his name was also not mentioned in the petition, filed for reopening of evidence.

Learned counsel for the petitioner submits that he wants to examine one Bommareddy Sambhi Reddy of Pedaparimi Village, for the purpose of showing the possession.

In the above circumstances, the application filed by the petitioner in I.A. No.1065/2015 is allowed on payment of costs of Rs.5,000/- (Rupees five thousand only) to the defendant. The said Bommareddy Sambhi Reddy shall be produced before the Court below as a witness immediately after Sankranthi Vacation, 2016, and his examination shall be confined to the facts mentioned in the plaint and without trying to filling up the gaps, pointed out by the defendant's evidence. The entire exercise shall be completed on or before 31.01.2016 and the suit shall be disposed of by 28.02.2016.

Accordingly, this Civil Revision Petition is allowed. No order as to costs.

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

A.RAMALINGESWARA RAO, J

23.12.2015

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Note: Issue C.C. in one week

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