

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition Nos.1855 & 1859 of 2015

—
—
Dated 19.06.2015

Between:

Bandlamudi Sreenu

... Petitioner

and

Guduri Siva Ramakrishna and 2 others

...Respondents

Counsel for the petitioner: Mr.EVVS.Ravi Kumar

Counsel for respondent No.1: Mr.Prabhakar Peri

The Court made the following:

Common Order:

These two Civil Revision Petitions arise out of Common Order, dated 21-04-2015, in IA.Nos.761 and 762 of 2015 in OS.No.128 of 2011, on the file of the Court of the learned Senior Civil Judge, Mangalagiri.

While Civil Revision Petition No.1855 of 2015 is filed against the Order passed in respect of IA.No.762 of 2015, Civil Revision Petition No.1859 of 2015 is filed against the Order passed in respect

of IA.No.761 of 2015.

Both the above Applications have been filed by the petitioner, who is the plaintiff in the suit filed for specific performance of an agreement of sale against respondent Nos.1 and 2. After completion of trial, the petitioner has filed IA.No.761 of 2015 for recalling DW.1 and IA.No.762 of 2015 for reopening the trial for the purpose of further cross-examination of DW.1 *i.e.*, respondent No.1. The purpose for which these two applications were filed by the petitioner was to confront DW.1 with a judgment of the Criminal Court rendered under Section 138 of the Negotiable Instruments Act, 1881, convicting him for an offence under that provision. The lower Court has dismissed both the Applications mainly relying upon Section 52 of the Indian Evidence Act, 1872, whereunder in civil cases, character to prove conduct of any person imputed to him is irrelevant except in so far as such character appears from the facts otherwise relevant.

At the hearing, Mr.EVVS.Ravi Kumar, learned Counsel for the petitioner, has fairly conceded that the additional evidence is sought to be adduced in the suit for the purpose of exposing the devious

conduct of respondent No.1 and that absence of this evidence would not alter the outcome of the suit.

Having regard to the facts of the case where the proposed evidence is not relevant in adjudicating the suit, the lower Court is justified in declining to reopen the trial to enable the petitioner to adduce further evidence.

On the analysis as above, both these Civil Revision Petitions stand dismissed.

As a sequel to dismissal of the Civil Revision Petitions, interim orders, dated 14-05-2015, passed therein are vacated and CRPMP.Nos.2474 and 2478 of 2015 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt:19th June, 2015
LUR