

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.No.5181 of 2015

JUDGMENT:

This Revision is filed against the common order dated 15-10-2015 in I.A.No.213 of 2015 along with other I.As. in O.S.No.56 of 2012 on the file of VI Additional District Judge, Kurnool, whereby the trial Court dismissed the application filed for issuance of summons to the 2nd defendant and to prove Ex.B-4 gift deed and its certified copy marked as

Ex.A-3.

Learned counsel for the petitioner submits that those witnesses are very much necessary to prove Ex.A-3-Ex.B.4 gift deed and the trial Court erroneously dismissed the same.

It is to be seen that the application filed by the petitioners/defendants 4 and 8 was dismissed by the trial Court on one of the grounds that admittedly the plaintiff filed written arguments on 12-08-2015 and after taking an adjournment, the defendants filed petitions to reopen and recall PW.3 on 04-09-2015. The said petitions in I.A.Nos.188/2015 and 189/2015 were dismissed

on 11-09-2015 and no revision is preferred against the same. Now, for the same relief the present application is filed. A perusal of the impugned order goes to show that the defendant's counsel himself reported no further evidence on 27-07-2015 and as such, the defendants side evidence was closed and if really the defendants felt that the evidence of

2nd defendant is necessary to prove the facts, the defendants could have asked for summons before closure of evidence. As such, I do not see any error in the order passed by the Court below warranting interference by this Court by exercising power under Article 227 of Constitution.

Accordingly, the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in this Revision, shall stand closed.

A.RAJASHEKER REDDY,J

30-11-2015
Nvl