

**HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**C.R.P.No.4338 of 2015**

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**ORDER:**

Heard Sri Hariprasad Podila, learned counsel for the petitioner and Sri Bankatlal Mandani, learned counsel for the respondents.

2. This Revision Petition is filed challenging the order dt.11-09-2015 in I.A.No.759 of 2015 in O.S.No.79 of 2013 of the I Additional District Judge, Warangal.
3. The petitioner herein is the 2<sup>nd</sup> defendant in the suit. The above suit was filed for specific performance of an agreement of sale. The 1<sup>st</sup> respondent/plaintiff examined himself as P.W.1 and examined another witness as P.W.2. Thereafter case was posted to 06-08-2015 for further evidence. On that day, since another witness sought to be examined by the petitioner did not come to the Court as he was otherwise busy, the Court closed the evidence of the petitioner. On 03-09-2015, the 1<sup>st</sup> respondent filed I.A.No.759 of 2015 to reopen his evidence. Learned counsel for the petitioner sought time to file a counter. On the ground that the counter was not filed, the application was allowed on 11-09-2015.
4. Although the learned counsel for the petitioner contended that no opportunity to the petitioner for filing of counter to the said I.A. was given, having regard to the fact that the order passed is discretionary and no grave injustice is caused to the petitioner on that ground, and since the said application was filed within a short while from the date of closure of the evidence of 1<sup>st</sup>

respondent, I do not find any error of jurisdiction that the impugned order warranting interference in exercise of jurisdiction under Article 227 of the Constitution of India.

5. The Civil Revision Petition is accordingly dismissed. No costs.
6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 27-11-2015

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