

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NO.2020 OF 2015

ORDER

Heard the counsel for the petitioner at the stage of admission.

2. The petitioner is the plaintiff in the suit for specific performance of the agreement of sale and his evidence is closed and the matter is coming up for the evidence of the defendant and as the defendant did not come forward to adduce evidence, his evidence was closed and the matter was posted for arguments. Thereafter, the matter underwent several adjournments and the defendant filed the present I.A.No.202/2015 in O.S.No.231/2009 on the file of XIII Additional District Judge, (FTC), Vijayawada, under Section 151 of CPC seeking to reopen the suit for the purpose of adducing his evidence, on the ground that as he suffered ill-health he could not adduce evidence. The petitioner opposed the said I.A. on the ground that defendant dragged on the matter for a period of one and half year hence there are no *bona fides* and sought to dismiss the petition. The trial court passed the impugned order allowing the application filed by the defendant and aggrieved by the same, the present revision by the plaintiff.

3. Considering the nature of relief sought for by the petitioner in the suit and in order to give an opportunity to the defendant and in the interest of justice, I am of the considered view, the trial court has rightly allowed the I.A. on terms and the learned counsel for the petitioner submitted *inter alia* that pursuant to the interim order, the defendant has filed chief affidavit. I view of these circumstances, I do not find any merit in the revision and the same is dismissed at the stage of admission. No costs.

4. Miscellaneous petitions pending if any, shall stand closed.

AVS

26—06—2015