

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.2914 of 2016

ORDER :

This Civil Revision Petition is filed against the docket order dated 12.04.2016 in IA No.130 of 2016 in O.S.No.30 of 2009, wherein the Court below dismissed application filed by the petitioners for re-opining the matter for further evidence.

It is the case of the petitioner that the 1st respondent filed suit O.S.No. 30 of 2009 for recovery of money of Rs.2,49,064/- against the petitioner and 2nd respondent . It is stated that when the suit is posted on 04.08.2015, the same was not called and later it was posted on 06.08.2015 and closed the evidence of the defendant, as such, they could not lead further evidence.

The Court below while dismissing the said interlocutory application, observed that the suit was never posted on 04.08.2015 and that the same was posted on 06.08.2015 with conditional order. When there is no appearance on behalf of the defendants, who is petitioner herein, the evidence of D.W.1 was closed. The Court below also observed that the petitioner wanted to examine all the borrowers to whom the first respondent has lent the monies and found that the same has no bearing on the suit. The Court below also observed that the petitioner did not disclose the names of list of witnesses and number of witnesses proposed to be examined and no evidence affidavits of such witnesses were filed. The Court below also observed that the suit O.S.No.30 of 2009 is identified as pre-2010 case and that the

petitioner has taken several adjournments for cross-examining D.Ws.1 and 2.

Heard learned counsel for the petitioner.

The only contention of the learned counsel for the petitioner that when the case was posted on 04.08.2015, without calling the case, it was adjourned to 06.08.2015, on which date, the petitioner's evidence was closed. The Court below clearly observed that the case was never posted on 04.08.2015 and that it was posted only on 06.08.2015, on which date, when the petitioner herein was called absent, their evidence was closed.

In view of the same, I do not see any illegality or infirmity in the order passed by the Court below, to entertain the revision petition warranting interference by exercising the power of judicial review under Article 227 of the Constitution of India.

Accordingly this Civil Revision Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending, shall stands dismissed.

A.RAJASHEKER REDDY, J

23.09.2016

kvs

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Date:23.09.2016

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