

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.No.5222 of 2016

Date:28.10.2016

Between:

Nunela Chinnaji,
S/o Late Appala Swamy

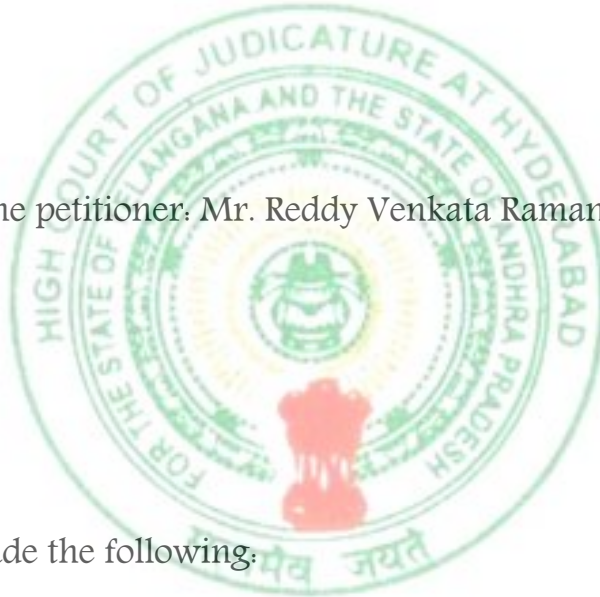
..... Petitioner

And:

Nunela Saroja,
W/o Late Krishna Rao
and another.

...Respondents

Counsel for the petitioner: Mr. Reddy Venkata Ramana



The Court made the following:

ORDER.

This Civil Revision Petition arises out of order, dated 16.9.2016, in I.A.No.627 of 2015 in O.S.No.237 of 2006 on the file of the learned Additional Senior Civil Judge at Gajuwaka.

Respondent No.3-plaintiff filed the afore-mentioned suit for specific performance of agreement of sale or in the alternative to direct the defendants to return the earnest money to him along with interest at the rate of 18% per annum. After the closure of the evidence on the side of respondent No.3-plaintiff, respondent Nos.1 and 2-defendant Nos.1 and 2 filed I.A.No.627 of 2015 seeking a direction to the petitioner-defendant No.3 to lead his evidence at first and permit them to lead their evidence later, in order to avoid every possibility of the petitioner filling the gaps in the case of respondent No.3-plaintiff after the perusal of the evidence of respondent Nos.1 and 2. This application has been allowed by the lower Court and feeling aggrieved by the same, defendant No.3 has filed this Civil Revision Petition.

After hearing, Mr. Reddy Venkata Ramana, the learned counsel for the petitioner, I do not find any merit in this Civil Revision Petition. Admittedly, the petitioner is sailing with respondent No.3-plaintiff. Therefore, the apprehension of respondent Nos.1 and 2 that if the petitioner is examined at the end, there is possibility of his trying to fill the gaps in the

evidence left by respondent No.3-plaintiff appears to be justified. Therefore, the lower Court has rightly allowed the I.A. filed by respondent Nos.1 and 2. Hence, I do not find any jurisdictional error in the order of the lower Court.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.6755 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

28th October 2016
DR

