

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.3345 of 2015

ORDER:

This revision is preferred questioning order dated 28.07.2015 in O.S.No.67 of 2009 on the file of Senior Civil Judge, Amalapuram.

2. Petitioner herein is defendant in the above referred suit and it appears, before examining himself as a witness he examined hand writing expert as a witness without obtaining leave of the Court as required under Order XVIII Rule 3-A C.P.C. and the Court below refused to record the evidence of revision petitioner on the ground that he has not obtained permission as required under Order XVIII Rule 3-A C.P.C.

3. Heard both sides.

4. Advocate for revision petitioner submitted that in **G. Gayathri and another vs. M.Bhagyalakshmi and others**^[1], this Court held that party can seek leave of the Court after its witnesses are examined and it is the discretion of the Court whether to grant or not to grant leave to party, who make such an application at a later stage.

5. Admittedly, petitioner herein has not filed any application seeking leave, but now it is represented that

petitioner filed applications today for reopen and also a petition seeking leave to examine revision petitioner as a witness before the Court below and those petitions are pending and further represented that the revision may be disposed of directing the Court below to consider those applications on merits, in accordance with law.

6. Other side advocate submitted that an opportunity may be given to plaintiff to file counter in those applications and contest the matter.

7. Considering the submissions of both sides, this revision is disposed of directing the Court below to consider the reopen application and leave application on merits without being influenced any of the observations made in its earlier dated 28.07.2015.

8. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

25th April 2016.

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[\[1\]](#) 2009 (1) ALD 421