

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

CRP.Nos.4705 & 4914 of 2016

COMMON ORDER:

Since both these Revisions arise out of the same suit O.S.No.141 of 2013 on the file of the Senior Civil Judge, Bimavaram, they are being disposed of by this common order.

2. Petitioner in both the Revisions is the defendant in the above suit. Respondent filed the suit on the basis of a promissory note dt.01.02.2012 seeking recovery of a sum of Rs.8,56,811/-.

4. The evidence of the plaintiff was closed and the matter was posted for defendant's evidence, and his evidence was also closed on 30.12.2015. At the instance of the defendants, on 25.02.2016 their evidence was reopened by allowing I.A.No.33 of 2016. Thereafter it was again closed on 08.03.2016.

5. Subsequently, on 09.03.2016, petitioner/defendant filed I.A.No.145 of 2016 to reopen the suit and I.A.No.146 of 2016 to summon a third party to speak on Ex.A1 promissory note. His allegation is that the third party is the person behind the respondent who has got the suit filed and that he is the first attester to the document. On the day when these applications were filed, the matter was coming up for arguments.

6. Counter affidavit was filed by the respondent/plaintiff opposing these applications contending that these applications are filed only to drag on the suit and procedure cannot be allowed to deny substantive justice. He contended that

reasonable opportunities have been given to the defendant to adduce evidence and he cannot be allowed to file petitions of this nature and drag on the suit.

7. By separate orders dt.29.08.2016, the Court below dismissed both the I.A.Nos.145 and 146 of 2016. It noted that petitioner had earlier filed I.A.No.274 of 2015 for recall of PW1 and later filed I.A.No.33 of 2016 to reopen his own evidence and now he has filed I.A.Nos.145 of 2016 and 146 of 2016 once again to reopen his evidence and to summon a third party witness to speak on Ex.A1 promissory note. It held that petitioner had ample opportunity to lead evidence and he did not avail of the same when it was granted to him, and he cannot be allowed to protract the proceedings by filing petitions of this nature.

8. Challenging the same, these Revisions are filed.

9. Counsel for the petitioner contended that grave injustice would be caused to the petitioner if the petitioner is not allowed to reopen his evidence and to examine the third party witness by summoning him.

10. No explanation is forthcoming from the counsel for the petitioner as to why, when I.A.No.33 of 2016 was allowed on 25.02.2016, the petitioner did not examine the third party witness and at the stage when the case is posted for arguments, he filed the present applications.

11. It is clear that the petitioner wishes to drag on the proceedings by filing such vexatious applications. I therefore, find no error of jurisdiction in the orders passed by the Court below in dismissing I.A.Nos.145 and 146 of 2016.

12. Accordingly, both the Civil Revision Petitions are dismissed. There shall be no order as to costs.

13. Consequently, miscellaneous petitions pending, if any, shall stand closed.

21st November, 2016.
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M.S.RAMACHANDRA RAO, J

