

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**CIVIL REVISION PETITION NOS.2546 AND 2547 OF 2016**

**COMMON ORDER**

The petitioner is the defendant in O.S.No.693 of 2015 on the file of the learned Principal Senior Civil Judge, Ranga Reddy District. The said suit was filed by the respondent/plaintiff for recovery of a sum of Rs.8,42,088/-. After closure of the respondent-plaintiff's evidence, the defendant failed to adduce evidence and the trial Court closed his evidence. Thereupon, the petitioner-defendant filed I.A.No. 1358 of 2015 to reopen the suit to enable it to lead evidence and I.A.No.1238 of 2015 to recall DW.1. The I.As. were initially allowed by the trial Court conditionally. However, the petitioner-defendant failed to comply with the condition of being present on the date stipulated for cross-examination. Thereupon, the trial Court dismissed I.A.No.1238 of 2015 on 04.02.2016. The matter was posted for further evidence of the defendant on 11.02.2016. However, on the said date, there was no representation for the petitioner-defendant again. The trial Court accordingly closed the defendant's evidence and posted the case for arguments. At this stage, the petitioner-defendant filed I.A.No.458 of 2016 for reopening the evidence of DW.1 and I.A.No.459 of 2016 for recalling DW.1 for further evidence. By separate orders dated 28.04.2016, the trial Court dismissed both I.As. Aggrieved thereby, the petitioner-defendant is before this Court. C.R.P.No.2546 of 2016 relates to the order passed in I.A.No.458 of 2016, while C.R.P.No.2547 of 2016 pertains to I.A.No.459 of 2016.

Heard Sri K.V.Siva Prasad, learned counsel for the petitioner-defendant, and Sri K.Durga Prasad, learned counsel for the respondent-plaintiff.

Once I.A.No.1238 of 2015 filed by the petitioner-defendant to recall D.W.1 was dismissed for non-compliance on 04.02.2016, it was not open to it to again seek the same relief by way of an independent application filed before the trial Court. This aspect of the matter was

specifically pointed out by the trial Court in the orders under revision. The failure on the part of the petitioner-defendant to be present on 11.02.2016 for adducing further evidence led to the closure of its evidence and to the posting of the suit for arguments. The matter did not come up on the said day for cross-examination of DW.1, as claimed by the petitioner-defendant.

The I.As. filed by the petitioner-defendant were therefore utterly misconceived in their very inception. Having allowed the order dated 04.02.2016 passed in I.A.No.1238 of 2015 to attain finality, the petitioner-defendant could not have again approached the trial Court to reopen the suit for the purpose of recalling DW.1. The orders under revision which hold to that effect therefore do not warrant interference on any ground.

The civil revision petitions are devoid of merit and are accordingly dismissed. Pending miscellaneous petitions in both the C.R.Ps. shall also stand dismissed. No order as to costs.

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**SANJAY KUMAR, J**

**24<sup>th</sup> JUNE, 2016**  
PGS