

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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CIVIL REVISION PETITION No.3216 of 2015

Between:

Sk.Jeelani Bee

....Petitioner

and

Maroodi Ramalinga Reddy

....Respondent

JUDGMENT PRONOUNCED ON : 09.02.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.3216 of 2015

ORDER:

This Civil Revision Petition is filed challenging the order dated 23.06.2015 in I.A.No.592 of 2015 in O.S.No.34 of 2008 on the file of the learned Senior Civil Judge, Markapur.

The petitioner is the defendant in O.S.No.34 of 2008 on the file of the learned Senior Civil Judge, Markapur, Prakasam District. The respondent herein filed the said suit for specific performance of agreement of sale dated 06.12.2007. The evidence in the suit was completed. The defendant examined D.Ws.1 to 4. At that stage, the defendant filed I.A.No.592 of 2015 to recall P.W.1 for the purpose of

further cross examination, stating that the plaintiff, under the guise of agreement, had introduced third parties and when the acts of the plaintiff were resisted by one of the relatives of the defendant, he was beaten up by the plaintiff and his family members on 28.11.2014, for which a complaint was given against them in FIR No.147 of 2014, and the same is pending enquiry. The defendant wanted to put the said facts in the cross examination of P.W.1. The said allegations were denied by the plaintiff by filing a counter affidavit, and the plaintiff stated that the defendant is taking advantage of her husband's position as retired Police Officer and got registered a false case against the plaintiff and his relatives. After considering the rival contentions, the application of the petitioner was dismissed by the lower Court observing that, in a suit for specific performance of agreement of sale, the events that occurred subsequently on 28.11.2014 have no bearing to decide the issues. The relevant portion of the impugned order reads as follows:

“I have perused the record and it shows that the respondent filed the main suit for specific performance of agreement of sale dt.06.12.2007 and at the event of trial, the respondent adduced his evidence and the petitioner got examined D.W.1 to D.W.4 and when the matter has come up for further evidence of the petitioner, she filed the present petition to get an order to recall the P.W.1. According to the petitioner, the respondent introduced third parties into her property and started digging pits and her relative Shaik Basha resisted and the respondent and his family members attacked Shaik Basha and a case in Cr.No.147/2014 was booked and the petitioner would like to bring those facts on record and so she filed this petition to recall the P.W.1. The respondent opposed the petition. The main suit was filed for specific performance of agreement of sale dt.06.12.2007 and the respondent adduced his evidence and the petitioner got adduced the evidence of D.W.1 to D.W.4 and when the matter has come up for further evidence of the petitioner, the petitioner filed this petition. According to the petitioner, the respondent attacked her relative namely Shaik Basha on 28.11.2014 and a case in Cr.No.147/2014 was booked. The suit was filed on agreement of sale dt.06.12.2007 and whatever the event that was occurred on 28.11.2014 has no bearing to decide the issues. When it is so, there is no necessity to recall the P.W.1. In view of these reasons, I hold that the petitioner is not entitled for the relief as prayed for. The point is answered accordingly.”

In view of the above reasoning given by the lower Court, with which this Court concurs, the Civil Revision Petition is dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

09.02.2016
vs