

THE HON'BLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.2334 OF 2016

ORDER:

The Civil Revision Petition is directed against the docket order, dated 28.3.2016, in I.A.No.257 of 2016 in O.S.No.48 of 2008 on the file of the I Additional Senior Civil Judge, Rajahmundry, East Godavari District whereunder and whereby, petition filed by the petitioner herein/defendant No.3 under Order XVIII Rule 17 C.P.C. to recall P.W.1 for the purpose of further cross examination to confront the admissions made by him in O.S.No.608 of 2011 while giving evidence as D.W.1, was dismissed with costs of Rs.250/-.

2. Respondent Nos.1 and 2/plaintiffs filed O.S.No.48 of 2008 on the file of the I Additional Senior Civil Judge, Rajahmundry, East Godavari District against respondent Nos.3 and 4 herein and the petitioner herein/defendant Nos.1 to 3 for eviction of defendants from the schedule property and direct them to deliver possession of the same to plaintiff No.2; for arrears of rentals to a tune of Rs.94,914/- from defendant Nos.1 and 2 together with interest at 18% per annum from the date of suit till realization in favour of plaintiff No.1; for damages of Rs.2,10,000/- from the defendants together with interest at 18% per annum from the date of suit till realisation in favour of plaintiff No.1; for future damages upto 25.8.2011 to plaintiff No.1 and from then, to plaintiff No.2 and for costs. Pending suit, defendant No.3 filed I.A.No.257 of 2016 to recall P.W.1 for the purpose of further cross examination to confront the admissions made by him in O.S.No.608 of 2011 while giving evidence as D.W.1 and the same was dismissed by the trial Court with costs of Rs.250/-. Challenging the said docket order, defendant No.3 filed the present Civil Revision Petition.

3. Heard and perused the affidavit filed by the petitioner before the trial Court.

4. The short point for consideration in this petition is:

“Whether the learned trial Judge dismissed the application of the petitioner without taking into consideration the necessity of examining the person, who sought to be examined, by re-opening the suit or not?”

5. **POINT:-** As rightly observed by the learned trial Judge in the impugned order, the affidavit filed by the petitioner before the trial Court is so vague and it does not contain the material particulars regarding the admissions made by the witness whom he intends to call and examine. Therefore, the learned trial Judge rightly dismissed the application and hence, that order needs no interference of this Court, and the revision petition is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 10.8.2016
AMD

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