

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.3561 and 3867 OF 2016

COMMON ORDER:

Since the orders under challenge in both these revisions are arising from same suit, they are taken up together, heard and disposed of by this common order.

Aggrieved by the order dated 16.03.2016 passed in I.A.No.182 of 2016 in O.S.No.74 of 2010 by the Senior Civil Judge, Puttur, Chittoor District, wherein an application filed by the petitioner seeking to reopen the suit to let in further evidence was dismissed, CRP No.3561 of 2016 is filed.

Aggrieved by the order dated 16.03.2016 passed in I.A.No.183 of 2016 in O.S.No.74 of 2010 by the Senior Civil Judge, Puttur, Chittoor District, wherein an application filed by the petitioner seeking to let in further evidence on behalf of the petitioner/plaintiff was dismissed, CRP No.3867 of 2016 is filed.

Petitioner, who is the plaintiff, filed O.S.No.74 of 2010 for specific performance of agreement of contract under Ex.A.1 dated 16.01.2008. During the course of trial, before commencement of arguments, the plaintiff filed an interim application in I.A.No.928/2015 seeking amendment of plaint, which was allowed on 30.10.2015. After the said application was allowed, the petitioner again moved I.A.Nos.182 and 183 of 2016 seeking to re-open the suit and to let in further evidence on behalf of the petitioner, which was dismissed vide impugned orders. Aggrieved over the same, the present Civil Revision Petitions are filed.

Heard the learned counsel for the petitioner.

In spite of service of notice on the sole respondent, there is no representation on his behalf.

Learned counsel for the petitioner submits that having allowed the application for amendment of plaint, there is no point in rejecting the request of the petitioner to re-open the suit for the purpose of leading further evidence. Hence, prayed to allow the revisions.

Having allowed amendment of the plaint with regard to date of contract, the order of the Court below in not permitting the petitioner to lead evidence to that effect would definitely cause great prejudice and injustice to the petitioner.

In view of the same, the common order dated 16.03.2016 passed in I.A.Nos.182 and 183 of 2016 in O.S.No.74 of 2010 by the Senior Civil Judge, Puttur, Chittoor District, is hereby set aside.

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

Miscellaneous petitions pending in these revisions, if any, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

Date: 21.10.2016
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