

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NO.42 OF 2016

ORDER

Aggrieved by the docket order dated 9.10.2015 passed by the court of Senior Civil Judge at Nandigama in I.A.No.571/2015 in O.S.No.47/2014 in rejecting the application filed by the plaintiff to recall D.Ws.1 and 2, the present revision is filed.

2. From the material on record it could be seen that the plaintiff filed the suit against the defendants for declaration and permanent injunction and the suit is at the stage of arguments and at that stage, alleging that the defendants 1 and 4 in the present suit filed another suit in O.S.No.90/2014 on the file of Junior Civil Judge, Court Nandigama for partition and in the said suit, in the chief examination, the present D.Ws.1 and 2, who were examined as P.Ws.1 and 2 categorically deposed that their father and mother died intestate and as they have a right in the house property in that suit and, therefore, to elicit this facts, the plaintiff filed the present I.A. to recall D.Ws.1 and 2 for further cross-examination. On the pleadings of the respondents, the court below found that the present defendants did not depose about the suit schedule property in that suit and hence there is no valid ground to recall D.Ws. 1 and 2 for further cross-examination. I do not find any reason to interfere with the impugned order and the revision is dismissed. No costs.

3. Miscellaneous petitions pending if any, shall stand closed.

AVS

18—03—2014

