

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CRP No. 3582 of 2014

ORDER:

The petitioners are the plaintiffs in O.S.No.257 of 2008 on the file of I Additional Junior Civil Judge, Chittoor. There are nine plaintiffs in the suit. They filed the said suit for declaration of title and for consequential permanent injunction in respect of Ac.0.12 cents of land in Survey No.77/2 of Ambodharapalli Village of G.D. Nellore Mandal, Chittoor District.

2. After completion of the cross examination of PW.1, I.A.No.293 of 2014 was filed to recall PW.1 for further cross examination. That application was allowed on payment of costs of Rs.100/-. On 21.07.2014, though costs were paid, PW.1 was not available for further cross examination. In those circumstances, further cross examination of Pw.1 was closed and for further evidence of plaintiffs, the case was posted to 28.07.2014. The present application in I.A.No.517 of 2014 was filed at that stage to set aside the Order dt. 21.07.2014. The affidavit filed in support of the petition states that 2nd plaintiff was suffering from ill health on that day and he could not appear before the Court on 21.07.2014 for further cross examination.

3. The facts clearly show that the second plaintiff was examined as Pw.1 and he was also cross examined. I.A.No.293 of 2014 was filed only for further cross examination of PW.1. It does not mean that the chief examination of PW.1 and cross of PW.1 was eschewed. Though this C.R.P was filed in September, 2014, no steps were taken by the petitioners for hearing of the matter and in the meanwhile, the evidence was completed on behalf of the plaintiffs and defendant's

side and the suit is coming up for arguments. At this stage, no latitude can be shown for further cross examination of PW.1.

4. Accordingly, the C.R.P is dismissed. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 25.01.2016

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