

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.5868 OF 2016

ORDER.

This C.R.P. is filed under Article 227 of the Constitution of India questioning the order passed in I.A.No.459 of 2016 in O.S.No.6 of 2010 on the file of VI Additional District Judge, Medak District at Siddipet.

Petitioners/plaintiffs filed an application under Section 151 of C.P.C. to reopen the case of the petitioners/plaintiffs by setting aside the order closing further evidence of plaintiff on 19-9-2016 enabling the petitioners/plaintiffs to adduce evidence.

The trial court by order dated 31-10-2016, allowed the application on payment of costs of Rs.3,000/- to the Bar Association, Siddipet while directing P.W.3 to give evidence by 1-11-2016.

On 1-11-2016, the plaintiff paid costs as ordered and again sought adjournment, though P.W.3 was present but expressed his unwillingness to give evidence and consequently, dismissed the petition for non-compliance.

The main contention of the petitioners/plaintiffs before this court is that the time granted by the court i.e. one day is not sufficient to adduce evidence and petitioners/plaintiffs paid costs also to the witness who appeared before the court on the date of adjournment i.e., 1.11.2016 and filing an application under Order 17 Rule 2 of C.P.C. for grant of adjournment was dismissed.

The main grievance of the petitioners/plaintiffs before this court is that if date is fixed for adducing evidence, they are ready to adduce evidence on that day and close the entire evidence on behalf of petitioners/plaintiffs.

Therefore, considering the request of the learned counsel for the petitioners/plaintiffs to avoid unnecessary undue delay in disposal of the matter ordering notice and inviting the counter, I deem it appropriate to direct the VI Additional District Judge, Medak District at Siddipet to fix a date for examination of P.W.3 and in case, the petitioners/plaintiffs failed to examine witness and close the evidence on that day, the order passed by this court shall stand automatically cancelled and the learned District Judge is at liberty to proceed with the matter, in accordance with law.

With the above direction, this C.R.P. is disposed of. No costs.

As a sequel to the disposal of this revision, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE M.SATYANARAYANA MURTHY

Dated 23-12-2016.

Note:

Issue C.C. tomorrow.

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Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 23-12-2016

Dvs