

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.2629 OF 2016

ORDER:

Heard Mr. Naresh Byrapaneni, counsel for petitioner.

2. The civil revision petition is directed against the order dated 19.01.2016 in I.A.No.997 of 2015 in MVOP.No.453 of 2008 in the Court of I Additional District Judge, Kurnool.

3. The petition was filed by the revision petitioner to reopen the OP and permit the petitioner to cross-examine P.W.2. The Court below has considered the stage of MVOP, the details stated in the affidavit filed along with I.A.No.997 of 2015 and the belated attempt to make good the deficiencies, if any, in placing on record a few documents.

On being satisfied that the affidavit filed along with IA does not set out reasons much less grounds for either reopening or recalling P.W.2, the Court below dismissed I.A.No.997 of 2015. Hence, the revision.

4. Learned counsel for petitioner tried to persuade this Court on the totality of circumstances, which compelled the insurance company to file the instant application for reopen of OP and recall of P.W.2.

5. With the assistance of learned counsel, I have perused the affidavit filed by the revision petitioner in the Court below.

Prima facie, I am of the view that each one of the reasons stated by the Court below could not be contraverted in the revision. By taking note of submissions not borne out by record, the discretion exercised by the trial Court cannot be interfered.

The civil revision petition fails and is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

June 9, 2016
DSK

S. V. BHATT, J