

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.4846 OF 2016

O R D E R

This Civil Revision Petition under Article 227 of the Constitution arises out of the order dated 26.08.2016 passed by the learned XVI Additional District and Sessions Judge, Ranga Reddy District at Malkajgiri, in I.A.No.495 of 2016 in O.S.No.494 of 2007. The said I.A. was filed by the 1st defendant to reopen the suit and to permit him to adduce further evidence. By the order under revision, the trial Court dismissed the I.A. Aggrieved thereby, the 1st defendant is before this Court.

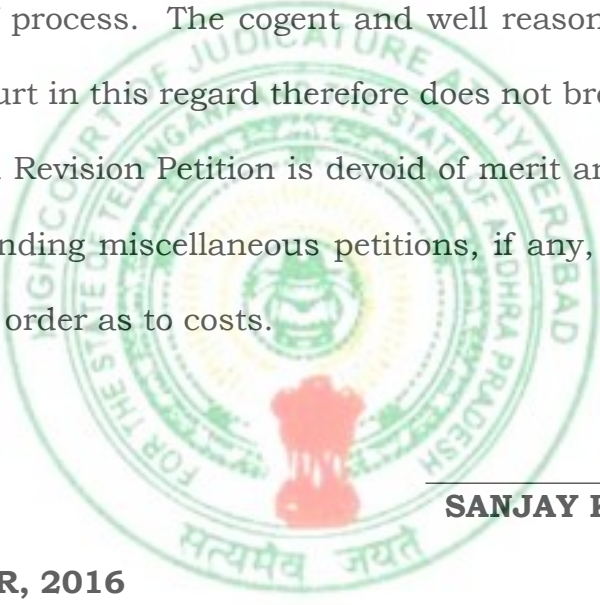
Heard Sri P.Ravi Shanker, learned counsel for the petitioner/ 1st defendant, and Sri G.Ravi Chandran, learned counsel for the 1st and 2nd respondents herein, the plaintiffs in the suit. The 3rd to 12th respondents, being the other defendants in the suit, are shown as not necessary parties to this petition.

Perusal of the order under revision reflects that the petitioner/ 1st defendant had earlier sought reopening of the suit to permit him to adduce further evidence and the said application was allowed. Thereupon, the petitioner/ 1st defendant examined the 5th defendant in the suit as D.W.2. It is an admitted fact that after completion of D.W.2's evidence, the petitioner/ 1st defendant himself sought closure of his evidence and the matter was posted for arguments. At that stage, the present application was filed again asking for reopening of the suit to permit the petitioner/ 1st defendant to examine the 2nd defendant, the 6th defendant, the 8th defendant and the 11th defendant. Significantly, all these defendants were set *ex parte* in the suit. That apart, the suit related to the year 2007 and was ripe for

arguments. The trial Court therefore opined that the request of the petitioner/1st defendant to again reopen the suit to permit him to adduce further evidence could not be accepted.

Having considered the aforestated reasoning of the trial Court, this Court finds no grounds whatsoever to interfere therewith. Having succeeded in reopening the suit once for the purpose of allowing him to adduce further evidence, the petitioner/1st defendant himself sought closure of his evidence and cannot now take recourse to the measure of again reopening the suit to enable him to adduce some more evidence. Permitting him to do so would be nothing short of an abuse of process. The cogent and well reasoned order passed by the trial Court in this regard therefore does not brook interference.

The Civil Revision Petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

9th DECEMBER, 2016

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