

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No. 4463 of 2016

Date: 17.09.2016

Between:

Koripalli Ramakrishna Rao,
Visakhapatnam.

.. Petitioner

and

Atluri Siva Rama Prasad,
Visakhapatnam, and others

.. Respondents

Counsel for the Petitioner:

Sri B. Praveer

For Sri Venkata Rangadas Kanuri

Counsel for respondents: --



ORDER:

The petitioner, who is the plaintiff in O.S.No.277 of 2012, filed this Civil Revision Petition aggrieved by order dated 07.06.2016 in I.A.No.375 of 2016 in O.S.No.277 of 2012, wherein the lower Court has permitted respondent Nos.1 to 4, who are defendant Nos.1 to 3 and 5 to file a separate written statement.

Respondent No.6, who is defendant No.6 in the suit, is the General Power of Attorney holder of respondent Nos.1 to 4, who are the permanent residents of United States of America. The said respondent filed written statement on his behalf and also on behalf of all other respondents. Respondent Nos.1 to 4 filed the aforementioned I.A for permitting respondent No.4 to file a separate written statement and permit respondent Nos.1 to 3 to adopt the written statement. This application was allowed by the lower Court.

The only contention advanced by the learned counsel for the petitioner is that in paragraph No.4 of the affidavit filed in support of the application, respondent No.4/defendant No.5 has submitted that they were not fully aware of the contents of the written statement supposedly filed on their behalf by respondent No.6/defendant No.6 and that even without knowing the contents of the written statement, it would not have been possible for them to note whether defendant No.6 acted against their interest.

In my opinion, so long as filing of the separate written statement by defendant No.5 does not cause prejudice to the interest of the petitioner, the discretion exercised by the lower Court permitting defendant No.5 to file written statement cannot be interfered with.

The learned counsel for the petitioner submitted that if a written statement is allowed to be filed by defendant No.5, his client will be deprived of the opportunity of putting forth his case with reference to the contents of the said written statement, as he has already filed his affidavit in lieu of examination-in-chief and he was also cross-examined.

In the light of the above submission, the petitioner is permitted to file an additional affidavit in lieu of examination-in-chief, if he feels such necessity, in which event the respondents are permitted to further cross-examine him.

Subject to the above, the Civil Revision Petition stands disposed of.

As a sequel, C.R.P.M.P.No.5799 of 2016, filed by the petitioner for interim relief stands disposed of as infructuous.

Date: 17.09.2016
va

C.V.NAGARJUNA REDDY, J