

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Civil Revision Petition No.4673 of 2016

ORDER

The present revision is filed challenging the order dated 22.08.2016 passed by the learned Principal Junior Civil Judge, Sangareddy, in I.A.No.862 of 2016 in O.S.No.54 of 2010, filed under Section 151 C.P.C., by the petitioner/defendant to reopen the evidence of D.W.1 for further cross-examination, alleging that it intends to produce the Gram Panchayat records in order to prove that the respondent/plaintiff was not the owner of the suit schedule property.

2. It is evident from the affidavit filed in support of the petition that the arguments of both the counsel were heard and the matter was posted for judgment by the trial Court and at that stage, the present petition is filed to reopen the evidence of D.W.1 without filing an application under Order XVIII Rule 17 of CPC. Except bald allegations, no other contention was raised in the entire affidavit annexed to the petition filed under Section 151 C.P.C.

3. In view of the judgment in **Gayathri V. M. Girish**¹ of the Apex Court, this petition is not maintainable since the petitioner failed to adduce evidence despite affording sufficient opportunity during trial and at the stage of arguments, the present petition is filed without disclosing sufficient details of purpose to reopen the evidence and that unless a petition under Order XVIII Rule 17 C.P.C., is filed to recall the evidence of D.W.1, reopening of evidence would not serve

¹ 2016(3) L.S.17 (S.C.)

any purpose. Hence, by applying the principle laid down in the aforesaid judgment, this revision is liable to be dismissed.

4. In the result, the Civil Revision Petition is dismissed at the stage of admission. No order as to costs. Miscellaneous petitions, if any, pending in this civil revision petition shall stand dismissed.

M. SATYANARAYANA MURTHY, J

25th November, 2016

sj

