

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. Nos.1722 AND 1732 OF 2017

COMMON ORDER:

The defendant in O.S No.71 of 2008 in the Court of Junior Civil Judge, Atmakur, is the revision petitioner. The petitioner filed I.A. Nos.41 and 42 of 2017 under Order XVIII Rule 17 and Order VIII Rule 1A of Civil Procedure Code to recall DW.1 to mark the documents stated in I.A. No.42 of 2017. Through the order impugned in the revisions, the trial Court dismissed the applications with exemplary costs of Rs.3,000/- for each application.

Mr. Janaki Rami Reddy contends that the documents now sought to be filed are very much necessary and material, and the affidavit discloses sufficient reasons for not filing the documents when the defendant was leading the evidence. He further contends that even assuming that no case is made out for accepting the prayer either for filing the documents or recalling DW.1, imposition of Rs.3,000/- costs in each application is exemplary and prays for setting aside the costs imposed by the trial Court.

I have perused the order under revisions. The reasons that weighed with the trial Court for refusing these two prayers are clearly demonstrated. The petitioner failed to point out any mistake in the approach or the findings in the order under revisions. Therefore, the refusal to grant permission to receive documents or recall DW.1 is justified in the facts and circumstances of the case and does not warrant interference. After perusing the material

available on record, this Court is of the view that imposition of costs of Rs.3,000/- in each application is onerous. Therefore, having regard to the stage of the matter, I am satisfied that to meet the ends of justice, the imposition of costs can be set aside. Accordingly, the C.R.Ps are allowed in part by setting aside the costs of Rs.3,000/- imposed in each application. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date:04.04.2017
Sp

S.V.BHATT,J

