

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.1595 of 2017

ORDER : (Oral)

Vide the present petition, petitioner has assailed the order dated 10th November 2016, passed in I.A.No.782 of 2016 in FCOP.No.180 of 2014, whereby, application filed by the petitioner under Order XII Rule 8 and under Section 151 of CPC was dismissed.

Vide the aforesaid application, petitioner sought direction to the respondent for production of documents from his custody to prove his case and for further cross-examination of RW-1. It is not in dispute that RW-1 was examined on 19th January 2015 and cross-examined on 27.11.2015, however, I.A.No.782 of 2016 was moved on 08.06.2015 at the stage of arguments. Vide the aforesaid application, the petitioner sought production of documents from the custody of respondent to prove his case and for further cross-examination of RW-1.

In the said application, reasons were not explained as to why he did not move the application during cross-examination of RW-1 on 27.11.2015. Even immediately after the cross-examination, the petitioner failed to move the application, however, moved after Seven months later, when the matter was coming up for arguments.

Finding no illegality or perversity in the order passed by the trial Court, I hereby confirm the same. Revision petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

7th July 2017
ajr