

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION Nos.3105 OF 2017

ORDER:

This Civil Revision Petition is filed by the petitioner/defendant against the docket order dated 12.06.2017 in I.A.No.192 of 2017 in O.S.No.35 of 2013, wherein the Court below dismissed the application filed by the petitioner for re-opening the suit for adducing evidence on defendant's side.

Heard learned counsel for the petitioner, who submits that since the petitioner was suffering with ill health and also attended the marriage of his sister, evidence could not be produced and seeks to provide one more opportunity to adduce evidence.

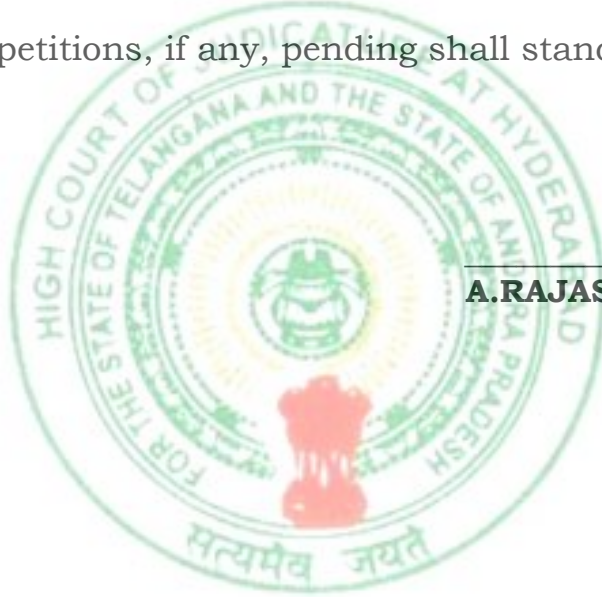
A perusal of the docket order passed by the Court below goes to show that the respondents'/plaintiffs' side evidence was closed on 29.12.2016 and the suit was posted to 19.01.2017 for adducing the evidence of the petitioner/defendant. Thereafter, six adjournments were granted and finally on costs and a conditional order was also passed on 23.03.2017, wherein it was clearly mentioned that in failure of adducing evidence by the petitioner/defendant on the next date of hearing i.e., 07.04.2017, his evidence would be closed. It is also observed by the Court below that despite of conditional order, the petitioner/defendant failed to adduce any defence evidence, as such, the evidence on behalf of the petitioner/defendant was closed on 07.04.2017. The order of the Court below also shows that though several opportunities were granted to the petitioner/defendant to adduce evidence, he failed to avail the same. It is also found by the Court

below that the petitioner/defendant was negligent in prosecuting his case; he has also not filed any proof with regard to his alleged ill-health and also an invitation card of his sister's marriage. The Court below also found that the petitioner has not filed any chief examination affidavit in order to proceed with the defence evidence.

In view of above facts and circumstances, I do not see any reason to entertain the Civil Revision Petition by exercising power under Article 227 of the Constitution of India and accordingly, the same is dismissed.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

07-07-2017
kvs



A.RAJASHEKER REDDY,J

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Date: 07.07.2017

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