

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.4018 of 2016

ORDER:

This Civil Revision Petition under Article 227 of the Constitution of India is filed by the petitioner-defendant No.2 aggrieved by the order dated 02.06.2016 in I.A.No.599 of 2015 in O.S.No.80 of 2008 passed by the I Additional Junior Civil Judge, Madanapalle, Chittoor District.

2. The 1st respondent – Plaintiff filed suit in O.S.No.80 of 2008 on the file of I Additional Junior Civil Judge, Madanapalle, Chittoor District, seeking permanent injunction in respect of the suit schedule property in an extent of Acs.2 ½ cents in Sy.No.519 and an extent of Ac.0.32 cents in Sy.No.447 of Valasapalli Village, Madanapalle Mandal, Chittoor District, against the petitioner – defendant No.2 and the 2nd respondent – defendant No.1. At the time of arguments, an application came to be filed by the defendants to recall P.W.1, which was allowed and P.W.1 was cross-examined. Again, the petitioner – defendant No.2 filed the present application in I.A.No.599 of 2015 in O.S.No.80 of 2008 to recall DW.1 for further examination. After hearing both sides, the Court below dismissed the said application, observing that the petitioner-defendant No.2 has not mentioned about the purpose for which he wants to recall DW.1 for further examination and hence there is no need to recall DW.1, and that the suit is of the year 2008. Aggrieved by the same, the present Civil Revision Petition is filed.

3. Heard learned counsel for the parties and perused the material available on record.

4. At the time when the matter is taken up for arguments, it is brought to the notice of the Court that arguments are already over. Apart from that, the material on record would show that the 1st respondent – Plaintiff filed the aforesaid suit in O.S.No.80 of 2008 for permanent injunction in respect of the suit schedule property against the petitioner – defendant No.2 and the 2nd respondent – defendant No.1. At the time of arguments, on an application filed by the defendants to recall P.W.1, the same was allowed and P.W.1 was cross-examined. Again, the petitioner – defendant No.2 filed the present application in I.A.No.599 of 2015 for further cross-examination of DW.1. After hearing both sides, the Court below dismissed the said application, observing that the petitioner-defendant No.2 has not mentioned about the purpose for which he wants to recall DW.1 for further cross-examination, and that the suit is of the year 2008. Therefore, I am not inclined to interfere with the impugned order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

03.01.2017.

Msr

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