

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.5302 OF 2016

ORDER:

This Civil Revision Petition under Article 227 of the Constitution arises out of the common order dated 14.06.2016 passed by the learned Additional Junior Civil Judge, Cyberabad, Kukatpally at Miyapur, in I.A.Nos.370 and 371 of 2016 in R.C.No.6 of 2014 insofar as it pertains to I.A.No.370 of 2016.

2. The respondent in R.C.No.6 of 2014 filed the subject I.A. under Section 151 C.P.C. and Order XVIII Rule 17 C.P.C. praying that the Court should reopen the evidence of PW.1 for further examination. By the order under revision, the trial Court dismissed the I.A. Aggrieved thereby, the respondent in R.C.No.6 of 2014 is before this Court.

3. Heard Sri P. Prabhakar Reddy, learned counsel for the petitioner/respondent, and Sri S. Krishna Mohan, learned counsel for the respondent/petitioner.

4. Perusal of the order under revision reflects that the petitioner herein filed similar I.As. earlier, which were allowed on 11.03.2016 subject to payment of costs of Rs.1,000/- to PW.1. However, when the matter was taken up on 18.04.2016, the plaintiff's counsel along with PW.1 were present but the petitioner herein, being the respondent in the R.C., was not present. Further, he did not even choose to pay the

costs ordered by the trial Court. Hence, the subject I.A. was dismissed. There is no explanation forthcoming for the inaction on the part of the petitioner pursuant to the earlier order passed by the trial Court in I.A.Nos.157 and 158 of 2016 filed in the case. This Court therefore finds no reason to interfere with the finding of the trial Court that permitting the petitioner herein to again advance the same plea would be nothing but an abuse of process.

5. The Civil Revision Petition is devoid of merit and is accordingly dismissed. Miscellaneous Petitions pending, if any, shall stand dismissed. No costs.

February 17, 2017.
MD

SANJAY KUMAR, J

