

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.2207 of 2017

28.04.2017

Between:

Buddha Varaha Surya Ramakrishna Maheswara Rao and others
..Petitioners

and

Kovvuri Butchi Venkata Raju and another
..Respondents

Counsel for the petitioners: Mr.C.Upendra for Mrs.T.V.Sridevi

Counsel for the respondents: --

The Court made the following:



ORDER:

This civil revision petition arises out of order, dated 16.12.2016, in I.A.No.795 of 2016 in O.S.No.56 of 2014 on the file of the Additional Senior Civil Judge, Gajuwaka.

2. I have heard Mr.C.Upendra, learned counsel representing Mrs.T.V.Sridevi, learned counsel for the petitioners, and perused the record.

3. The petitioners filed the aforementioned suit for injunction simplicitor against the respondents. They filed the chief examination affidavits on 01.05.2015. The case was posted for cross examination of P.Ws.2 and 3. On 07.12.2015, as both of them were absent, the case was adjourned to 15.12.2015, on which date, P.W.2 was partly cross examined and the case was further adjourned. Due to the continuance absence of P.Ws.2 and 3, the case underwent adjournments on 04.03.2016, 14.03.2016, 17.03.2016, 29.03.2016 and 04.04.2016. It appears that the case was finally adjourned to 11.08.2016 for further cross examination of P.Ws.2 and 3. As they were not present even on that day, an order was passed by the Court below eschewing their evidence. Seeking to set aside that order, the petitioners have filed the aforementioned I.A. The only reason put-forth by them for being continuously absent on all the aforementioned dates was their illness. However, they did not file any evidence in proof of their illness. In the light of these facts, the Court below has dismissed the I.A. and in my view rightly. Hence, I do not find any reason to interfere with the order of the Court below.

4. The Civil Revision Petition is, accordingly, dismissed.

5. As a sequel to dismissal of the C.R.P., C.R.P.M.P.No.2882 of 2017 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

28th April, 2017
GHN

