

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

CIVIL REVISION PETITION NO.499 OF 2017

DATED:03-02-2017

Between:

Kundrapu Demudu

... Petitioner

And

Kannuri Appa Rao
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Pratap Narayan Sanghi

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.07.01.2017 in I.A. No.4 of 2017 in O.S. No.145 of 2014 on the file of the Principal Junior Civil Judge, Chodavaram.

The petitioner filed the aforementioned suit for perpetual injunction against the respondents. In support of his claim, the petitioner relied upon Exs.A.2 and A.3, extracts of the revenue record purportedly issued by P.W.5, the Village Revenue Officer. The said witness was examined by the petitioner on 03.5.2016. Seven months later, the petitioner filed I.A. No.4 of 2017 under Order XVIII Rule 17 of the Code of Civil Procedure, 1908 (CPC) for recalling of P.W.5 for further examination on the ground that during the cross-examination the said witness has wrongly deposed that he was suspended twice and that Exs.A.2 and A.3 purportedly issued by him related to the later suspension period. This application having been dismissed by the lower Court, the unsuccessful applicant/plaintiff filed this civil revision petition.

As rightly pointed out by the lower Court, if P.W.5 has wrongly deposed about the later suspension during his cross-examination, the counsel for the petitioner should have been diligent enough to re-examine him. Not only that he failed to do so, but also the petitioner has filed the I.A. seeking recalling of the witness seven months after closure of the evidence of P.W.5 and when the case was posted for arguments. Failure of the petitioner's counsel to show diligence in the conduct of suit disentitles the petitioner to file the present application seeking recalling of the witness for further examination. Therefore, the lower Court has rightly dismissed the application.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.
No.637 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

03-02-2017

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