

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.4628 OF 2017

O R D E R:

The civil revision petition is filed questioning the order dated 17.08.2017, passed by the I Additional Senior Civil Judge, Nellore in I.A.No.502 of 2017 in O.S.No.117 of 2001, wherein and whereby the application filed by the petitioner-plaintiff under Order 18 Rule 17 read with Section 151 C.P.C seeking to recall the evidence of D.W.1 for further cross-examination, was dismissed.

It is the case of the petitioner that the suit was filed by the petitioner-plaintiff for declaration, recovery of possession, damages with future interest and for future damages. The suit is at the stage of arguments. At that stage, the impugned IA was filed.

The Court below after considering the material available on record did not permit the reopening of the suit as the suit was at the stage of arguments.

As can be seen from the material available on record, it is clear that the suit was reserved for judgment on 8.9.2017 and directed to be listed on 08.10.2017 for judgment. In those circumstances, no prejudice as such would be caused by permitting the petitioner-plaintiff as well as the defendants to argue the suit before delivering the judgment as the matter stood posted to 08.10.2017 for judgment.

Accordingly, the civil revision petition is disposed of directing the Court below to permit both the petitioner-plaintiff as well as the defendants to argue the suit before delivering the judgment as the matter stood posted to 08.10.2017 for judgment. No order as to costs. Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

15th September, 2017
Gk

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Date:15.09.2017

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