

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.1144 of 2016

ORDER:

This petition is filed under Article 227 of the Constitution of India challenging the orders dated 04.02.2016 passed in I.A.No.460 of 2015 in Election O.P.No.1 of 2014 by the Junior Civil Judge, Piduguralla, Guntur.

Heard Sri G.V.S.Mehar Kumar, learned counsel for the petitioner and Sri A.Srinath, learned counsel for the first respondent and perused the material on record.

A perusal of the record reveals that the first respondent filed Election O.P.No.1 of 2014 challenging the election of the petitioner. After completion of the petitioner's side evidence, the petitioner herein (4th respondent in E.O.P.) filed his chief-examination affidavit on 14.10.2015. The trial Court posted the matter for cross-examination of R.W.1 to 18.11.2015. For one reason or other, the petitioner (R.W.1) did not appear before the trial Court on 18.11.2015. On the same day, the trial Court eschewed the chief-examination affidavit of the petitioner (R.W.1). Aggrieved by the orders dated 18.11.2015 the petitioner filed I.A.No.460 of 2015. On considering the material on record, the trial Court dismissed the said I.A. on 04.02.2016. Hence, the present revision.

At the time of arguments, both the counsel in all fairness submitted that the order of the trial Court dated 04.02.2016 may be set aside and further submitted that the trial Court may be directed to dispose of the election petition as expeditiously as possible.

Having regard to the facts and circumstances of the case, the orders of the trial Court dated 04.02.2016 in I.A.No.460 of 2015 is hereby set aside. The trial Court is hereby directed to give an opportunity to the petitioner, who is the fourth respondent in E.O.P.No.1 of 2014, to adduce evidence on his behalf and dispose of matter as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order. Both the counsel assured that their respective counterparts will cooperate with the trial Court for disposal of the matter.

With the above direction, the Civil Revision Petition is disposed of. No order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date:17.01.2017

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