

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

C.R.P. Nos.5125 & 5132 OF 2016

COMMON ORDER:

The CRP No.5125 of 2016 is filed against the judgment dated 24.08.2016 passed in I.A.No.75 of 2016 in O.S.No.173 of 2006 wherein the petitioner's application for reopening the case for the purpose of respondents/plaintiffs cross examination as well as petitioners/defendants evidence is dismissed by the trial Court.

The CRP No.5132 of 2016 is filed against the judgment dated 24.08.2016 passed in I.A.No.76 of 2016 in the very same suit wherein the application of the petitioner to recall the PW-1 for further cross examination is dismissed by the Court below.

Since both the petitions are arising out of same suit, both are heard together and disposed of by this common order.

Learned counsel for the petitioner submits that after closing the evidence of plaintiffs without posting the matter for defendant evidence, the matter was posted for arguments.

It is to be seen that the trial Court dismissed I.A.No.75 of 2016 filed for reopening of the case on the ground that no proper reasons are mentioned for reopening and that too it was filed at the belated stage of the arguments, against which CRP No.5125 is filed. Basing on the same, I.A.No.76 of 2016 is dismissed, against which CRP No.5132 is filed.

This Court while admitting the CRP, directed the counsel for the petitioner to take a DD for an amount of Rs.3000/- in favour of respondent/plaintiff.

Though notice is served, there is no appearance for the respondents.

In view of the facts and circumstances of the case, this Court feels that ends of justice would be met if one more opportunity is granted to the petitioner for cross-examination of PW1 and leading evidence on payment of costs of Rs.5000/- payable to the respondents/plaintiffs.

Accordingly, both the Civil Revision Petitions are allowed and the impugned orders are set aside, subject to the petitioner paying costs of Rs.2,000/- to the respondent, in addition to the DD drawn by the petitioner as per order dt.24.10.2011, within a period of four (04) weeks from today. On such payment, the Court below is directed to give one more opportunity for cross-examination of PW1 and to lead evidence on behalf of the petitioner by fixing a date and dispose of the suit, since it is of the year 2006, within a period of three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

A. RAJASHEKER REDDY, J

Date: 17.02.2017
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