

THE HON'BLE SRI JUSTICE S. V. BHATT

Civil Revision Petition No. 6298 & 6360 of 2016

COMMON ORDER:

Heard Sri J.U.M.V. Prasad for Revision Petitioner. Plaintiff in O.S.No.40 of 2008 on the file of Principal District Judge, Kurnool, is the Revision Petitioner herein.

2. The Revision Petitioner filed I.A.No.2305 of 2016 to recall DW-2 for further cross-examination; and I.A.No.2304 of 2016 to reopen the matter. The said prayers were resisted by the contesting Respondents. The learned District Judge, after perusing the record and various steps or stages, which have bearing on the prayers made in both the applications, held as under:

“The petitioner has come up with the present petitions to recall DW-2 further cross-examination and reopen the matter, basing on the observation made by the Hon’ble High Court in CRP No.405 of 2016, dt. 28.07.2016. Record discloses that the petitioner was not diligent in pursuing the suit, which was filed on 04.11.2008. Trial in the suit was completed by 30.06.2014 and the matter was posted to 14.07.2014 for arguments. Record further discloses that most of the time was spent for entertaining and disposing one interlocutory application or the other. The suit has been coming for arguments for more than two years and the petitioner is intentionally delaying the disposal of the suit. The suit is one of the oldest matters and is identified for disposal during the current period.

The reason assigned by the petitioner for reopening the evidence or recalling DW-2 is for the purpose of further examination touching the aspects of the deposit of the original

registered sale deed standing in the name of the wife of the third defendant, its link document and encumbrance certificate as security. As already stated, this Court dismissed the interlocutory application filed by the petitioner to amend the plaint incorporating the above said facts, and the Hon'ble High Court also dismissed the revision petition filed by the petitioner challenging the said orders. On perusal of the evidence of DW-2, it is evident that the previous counsel for the petitioner has cross-examined DW-2 at length covering all aspects. Hence, this Court is of the considered view that there are no grounds to re-open the matter or recall DW-2 in the above suit for the purpose of further cross-examination and hence, the petitions are liable to be dismissed."

3. I have excerpted the reasons given by the trial Court to state that this Court is also in agreement with the reasoning of the trial Court. I see no ground to interfere with the impugned orders under revisions.

4. Thus, the Revision Petitions fail and are dismissed accordingly. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

January 31, 2017

Kv

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C.R.P.Nos. 6298 & 6360 of 2016

January 31, 2017

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