

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.5103 of 2017

Date:06.10.2017

Between:

Pusurupu Venkta Ratnam,
W/o P.S.V.K.Viswanatham
and another.

..... Petitioners

And:

Kotamsetty Narayana Rao,
S/o Simhachalam

.....Respondent

Counsel for the petitioners: Mr. Mangena Sree Rama Rao

The Court made the following:



ORDER.

Order, dated 08.9.2017, in I.A.No.363 of 2017 in O.S.No.101 of 2011 on the file of the Principal Senior Civil Judge, Anakapalle is questioned in this Civil Revision Petition.

The petitioners are the defendants in the afore-mentioned suit filed by the respondent, who is no other than the father-in-law of petitioner No.1 and father of petitioner No.2. The said suit was based on a promissory note allegedly executed by the petitioners. The petitioners, however, denied execution of the same. Issues were framed on 27.6.2013, the plaintiff's side evidence was closed on 23.4.2005 and since then, the said suit was being adjourned for the evidence on the petitioners' side.

A perusal of the order of the Court below shows that after the evidence of D.Ws.1 and 2 was recorded, the case was posted on 28.8.2017 for further evidence on the petitioner's side and on that day, as there was no representation on behalf of the petitioners, the Court below closed the evidence on the petitioners' side. Thereafter, the petitioners filed I.A.No.363 of 2017 for reopening the evidence in order to adduce further evidence on their behalf. This application was dismissed by the lower Court.

Apart from the fact that the petitioners were not present, no request for adjournment for adducing further evidence was

made on 28.8.2017. The above facts would show that the petitioners were not diligent in adducing further evidence.

Even otherwise, the core issues before the lower Court were whether the suit promissory note was executed by the petitioners and if so, whether the same was supported by consideration. Therefore, in my opinion, no particular prejudice will be caused to the petitioner, if further witnesses in connection with the aspects other than the afore-mentioned aspects are not examined. In my opinion, the Court below has rightly declined to reopen the evidence.

For the afore-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel, CRPMP.No.6634 of 2017 stands dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

06th October 2017

DR