

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.5087 OF 2017

Dated:20.11.2017

Between:

Koppu Shyam Sunder, S/o. Kishtaiah,
Age: years, R/o.MIG-24/5, A.P.H.B.
Colony, Hanamkonda, Warangal
District and another

.. Petitioners

And

Sadhu Yadagiri, S/o. Veeraswamy,
Age 35 years, Occ: Govt. Employee,
R/o.H.No.4-6-229, Kumarpally,
Hanamkonda, Warangal District and others

.. Respondent



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**CIVIL REVISION PETITION No.5087 OF 2017****ORDER:**

Petitioners/plaintiffs filed I.A.No.1006 of 2017 praying to reopen their evidence to permit them to adduce additional evidence of their vendor as PW.2 of the suit schedule property. Plaintiffs sought to contend that the counsel earlier appearing on his behalf died during the pendency of the suit. In view of the same, plaintiffs could not discuss with their earlier counsel about examination of their vendor. According to the petitioners, the sale deed executed by their vendor was already marked as Ex.A2 and therefore by allowing examination of their vendor as PW.2, no prejudice would cause to the defendants and it would be only in furtherance of the case of the plaintiffs. The said prayer of the petitioners was not agreed by the trial Court and by order dated 04.09.2017, the petition was dismissed. Aggrieved thereby, this revision is filed.

2. Heard learned counsel for the petitioners.
3. Learned counsel for the petitioners sought to reiterate the contentions as stated before the trial Court. He would submit that when the cross examination of the witnesses were going on, counsel now appearing for the plaintiffs realized that the vendor of the petitioners could have been examined as a witness and therefore he wanted to present the said witness and therefore permission was sought to reopen the evidence on behalf of the plaintiffs. According to learned counsel for the petitioners, as the evidence was not closed, no prejudice would cause to the defendants and therefore trial Court erred in not allowing the

prayer sought in the petition. It is fairly submitted by learned counsel that the evidence of the plaintiffs was closed on 20.11.2013 and on the said date counsel appearing for the petitioners reported that no further evidence be called on behalf of the petitioners. Having regard to the same, the evidence was closed and the matter was posted for adducing evidence on behalf of the defendants. After recording the chief examination, counsel appearing for the petitioners cross examined the defendants and at that, this petition is filed.

4. The Court noticed that since the evidence of the plaintiffs was closed long ago on the statement made by the counsel appearing and after long time thereafter when the cross examination of the defendants is going on, this petition is filed. It is also appropriate to notice, as reported by learned counsel for the petitioners, the earlier counsel expired on 30.11.2016 i.e., three years after closing the evidence on behalf of the plaintiffs. The Court is of the view that the claim made by the petitioners is not *bona fide*. I do not see any error in the decision taken by the trial Court warranting interference by this Court.

5. The Civil Revision Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Civil Revision Petition shall stand closed.

P. NAVEEN RAO, J

Date: 20.11.2017

KH