

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.Nos.6506 of 2016 and 6553 of 2016

COMMON ORDER:

These two Revisions arise between the same parties out of the same suit and therefore they are being disposed of by this common order.

2. Petitioners are defendants in O.S.No.217 of 2011 on the file of the Principal Senior Junior Civil Judge Kovvur.

3. The respondent filed the suit for recovery of money on the basis of a promissory note. He examined P.Ws.1 to 3 and marked document. Thereafter petitioners lead their evidence and the matter was posted for arguments.

4. At that stage, the petitioners filed I.A.No.1446 of 2016 to reopen the matter and I.A.No.1447 of 2016 to recall P.Ws.1 to 3 for the purpose of further cross-examination.

5. They contended that though the matter is posted for arguments, the petitioners were advised that certain important aspects with regard to the suit promissory note were not put to P.Ws.1 to 3 during their cross-examination and it was necessary to further cross-examine them.

6. These applications were opposed by respondent stating that P.Ws.1 to 3's evidence was closed on 17-07-2013 itself and more than 3 years later these applications have been filed, that too at the stage of arguments and these applications are filed only to delay the disposal of the suit.

7. By common order dt.28-11-2016, the Court below dismissed the said applications observing that when the matter was coming up for arguments, petitioners changed their Advocate and filed these applications on 25-10-2016 and that they did not explain on what points they want to cross-examine P.Ws.1 to 3 and why they could not put those questions while cross-examining P.Ws.1 to 3.

8. Challenging the same, these Revisions are filed.

9. Though learned counsel for petitioners sought to contend that the Court below erred in dismissing I.A.Nos.1446 of 2016 and 1447 of 2016 and that interests of justice requires that an opportunity be given to them to further cross-examine P.Ws.1 to 3 on certain important facts, I am of the considered opinion that the Court below has given valid reasons for not acceding to their requests. It was rightly held that 3 years after closure of the evidence of plaintiff, these applications have been filed, that too after changing their Advocate. I am of the opinion that the Court below has not committed any error of jurisdiction in dismissing the applications filed by petitioners.

10. Therefore, these Civil Revision Petitions are dismissed at the stage of admission. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-01-2017

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