

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.No. 1209 OF 2017

DATED 10TH MARCH, 2017

Between:

Gullipalli Venkata Satya Kondala Rao ... Petitioner

AND

Prayaag Narayana Murthy ... Respondent

Counsel for the petitioner : Smt. D.Vidyulatha

Counsel for the respondent : --



THE COURT MADE THE FOLLOWING

ORDER:

This civil revision petition is filed against order dated 05-01-2017 in I.A.No. 1744 of 2016 in O.S.No. 180 of 2015 on the file of the Court of Principal Junior Civil Judge, Visakhapatnam (for short, 'the Court below').

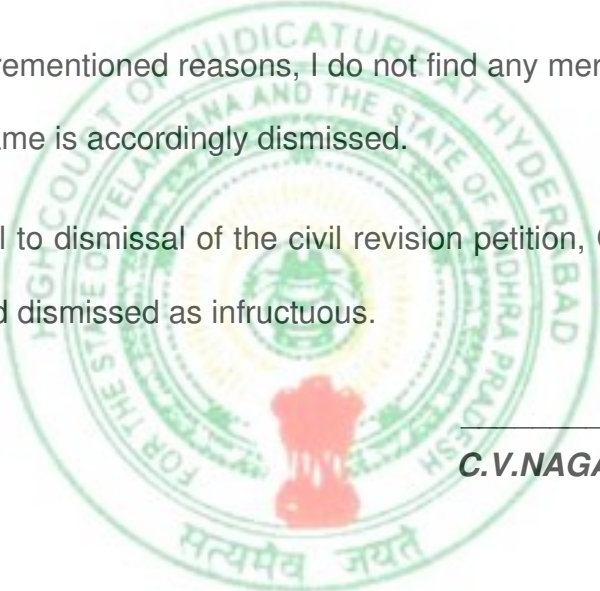
2. The petitioner filed the aforementioned suit for permanent injunction restraining the respondent and the persons claiming through him from interfering with his peaceful possession and enjoyment of the plaint schedule property. The case was posted for the petitioner's evidence on 09-03-2016 and subsequently the evidence on his side was closed on 09-03-2016. The petitioner filed a petition on 05-07-2016 seeking 15 days' time for adducing evidence on the ground that his grandfather has died and that he has to perform his obsequies. Accordingly, the case was adjourned to 19-07-2016. As the petitioner failed to adduce any evidence, the evidence on his side was closed on that day. Subsequently, the respondent has filed his affidavit in lieu of chief examination on 04-11-2016. Learned counsel for the petitioner, without any demur, cross-examined the respondent on 16-11-2016. On 29-12-2016, the petitioner came out with the present I.A. seeking reopening of the evidence to enable him to adduce his evidence. This application having been dismissed, the petitioner filed the present civil revision petition.

3. From the facts noted above, it is evident that the petitioner failed to adduce evidence from 09-03-2016 to 19-07-2016 and at his instance, the Court has granted 15 days' time for him for adducing evidence on the ground that his grandfather died. Not only that the petitioner did not avail this opportunity by adducing evidence at least on 19-07-2016 but also he has not filed any petition for reopening his evidence immediately thereafter. On the contrary, he has allowed his counsel to cross-examine the respondent on 16-11-2016. Much

thereafter, the petitioner has filed the I.A. for reopening his evidence. These facts would clinchingly establish that the petitioner not only lacks diligence but he is wholly negligent in pursuing his cause in the suit. The ground of death of his grandfather having already been availed once by obtaining 15 days' time for adducing his evidence in July, 2016, the same cannot be pressed into service in the present I.A. filed for reopening the evidence. Though this Court is thoroughly dissatisfied with the quality of the order of the Court below as it consists of innumerable grammatical errors, I do not find any reason to disagree with the conclusion arrived at by the Court below.

4. For the aforementioned reasons, I do not find any merit in the civil revision petition and the same is accordingly dismissed.

5. As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No. 1621 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

Date: 10-03-2017.

JSK