

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.787 of 2015

ORDER:

Heard both sides.

Though after the evidence of plaintiff as PW.1 for non-showing diligence to adduce further evidence, his evidence was closed and a petition to reopen his evidence was filed in I.A.No.273 of 2012, that was ended in dismissal and impugning the same, the plaintiff/petitioner filed CRP.No.4716 of 2012 and the same was allowed on 25.08.2014 subject to costs of Rs.2,000/- payable to the respondent/defendant within three weeks from that date and in default, the CRP stands dismissed and in case of compliance, to appear before the trial Court to cause cross examine himself on 25.09.2014. Once such is the order, there was a representation before the lower Court on 01.12.2014 on the petition of represented costs not paid, however time granted and costs shown paid and the docket was closed. It is impugning the same, present revision is maintained and another Bench of this Court granted stay and the stay is in force up to end of June 2015 and not later. It is the challenge as if plaintiff's further evidence is permitted and trial Court not properly considered in endorsing on 02.12.2014 of docket closed. In fact, a perusal of the order in CRP.No.4716 of 2012 clearly shows only further examination of plaintiff/PW.1 is permitted and not further evidence of plaintiff. Once such is the case, there is no need to keep the revision pending, but for giving liberty if at all to file a fresh petition before the trial Court, within one week from the date of receipt of this order, for evidence of plaintiff's side

further necessary to decide on own merits rather than stalling the suit proceedings of the year 2011 further.

Accordingly and in the result, the Civil Revision Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.12.2017
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