

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION Nos.5185 AND 5287 OF 2017

COMMON ORDER:

C.R.P.No.5185 of 2017 is filed challenging the order dated 12.09.2017 in I.A.No.808 of 2017 in O.S.No.42 of 2016 on the file of IV Additional District Judge, Vizianagaram.

C.R.P.No.5287 of 2017 is filed challenging the order dated 12.09.2017 in I.A.No.807 of 2017 in O.S.No.42 of 2016 on the file of IV Additional District Judge, Vizianagaram.

The petitioner is the defendant and the respondent is the plaintiff in O.S.No.42 of 2016 on the file of IV Additional District Judge, Vizianagaram. Originally, the suit was filed for recovery of the suit amount based on a pronote. After closure of the evidence of plaintiff as P.W.1, the petitioner has filed I.A.Nos.807 of 2017 and 808 of 2017 to reopen the evidence and to recall P.W.1 for the purpose of cross-examination. The trial Court dismissed both the petitions by a common order dated 12.09.2017. Aggrieved by the same, the present petitions are filed.

Heard.

Learned counsel for the petitioner submits that the plaintiff was examined as P.W.1 and was also cross-examined by the defendant. It is further submitted that the defendant could not cross-examine P.W.1 on some important questions to disprove the claim of the plaintiff. It is also submitted that

P.W.1 was not examined on the fact that he has no capacity to lend the money.

On a perusal of the record, it reveals that the defendant has not taken a plea in the written statement with regard to disputing the capacity of the plaintiff to lend the money. Therefore, there are no valid grounds to recall P.W.1 for further cross-examination. It is pertinent to note that the trial Court had passed common order observing that there are no reasons to allow the interlocutory applications and there are no valid grounds to recall and reopen the evidence of witnesses. Therefore, the common order passed by the trial Court does not require any interference by this Court.

In the result, the Civil Revision Petitions are dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

GUDISEVA SHYAM PRASAD,J

Date : 16.10.2017
ssp

