

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No.6713 of 2017

ORDER:

Heard and perused the material available before this Court.

The defendant, in O.S.No.142/2008 on the file of the Junior Civil Judge, Allagadda, is the petitioner in the present revision, filed under Article 227 of the Constitution of India.

The petitioner herein filed I.A.No.959 of 2016, under the provisions of Section 151 CPC, seeking to reopen the suit for her cross-examination, which was closed on 28.10.2016. The learned Judge dismissed the said application by way of the order impugned. Hence, the present revision.

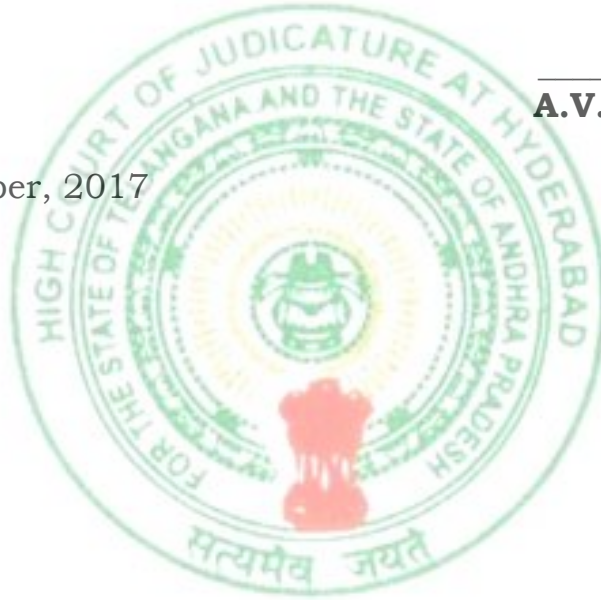
In the affidavit, filed in support of I.A.No.959 of 2016, the defendant-petitioner herein stated that due to her ill-health and due to the communication gap with her counsel who was absent on the date of cross-examination, which resulted in closure of her evidence and posting of the case for arguments, and that her absence was neither intentional nor due to negligence but only due to her health problem.

A perusal of the order under challenge, in clear and vivid terms, discloses that, though sufficient opportunity was given to the petitioner herein, the petitioner did not avail the same and, having left with no other alternative, the Court below closed the evidence of the defendant. It is the settled proposition of law that, unless the order impugned suffers

from jurisdictional error or perversity, this Court, under Article 227 of the Constitution, cannot interfere with the same. In the instant case this Court does not find any such contingencies. Having regard to the reasons assigned by the learned Judge, this Court is not inclined to meddle with the impugned order.

Accordingly, the Civil Revision Petition is dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

07th December, 2017
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A.V.SESHA SAI, J