

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.5896 of 2017

Order:

The petitioner has come up with the above revision, challenging the rejection of his application for reopening of the evidence of P.W.1 for further cross-examination.

2. Heard Mr. Sai Gangadhar Chamarty, learned counsel for the petitioner. Smt. G.Jhansi, learned counsel, takes notice for the respondent.

3. The petitioner and the respondent are brothers. The respondent filed a suit in O.S.No.1892 of 2014 for recovery of possession of a property described in the plaint schedule as Plot No.111. In the course of evidence, the respondent claimed that Plot No.112 was given to him by the mother under a Will. Therefore, on the ground that the factum of execution of some Will has suddenly come to light in the course of trial, the petitioner moved two applications, one for reopening and another for recalling. Both the applications were dismissed forcing the petitioner to come up with the above revision.

4. The schedule of property given in the plaint describes only Plot No.111. The claim of the respondent is that Plot No.112 was bequeathed in his favour by the mother. Therefore, the Trial Court thought it fit not to reopen, since the property claimed to have been bequeathed under the Will, was different from the property shown in the plaint schedule.

This, I think, is the correct approach of the Trial Court and it does not warrant any interference. Therefore, the civil revision petition is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

03rd November, 2017.
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