

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.6882 of 2017

ORDER :

Heard both sides and perused the grounds urged in the revision and impugned order, dated 30.11.2017, of the lower Court in I.A.No.1143 of 2017 closing the evidence of the defendant for not adducing further evidence when posted the matter to 14.11.2017 and consequently in posting the matter for arguments to 17.11.2017.

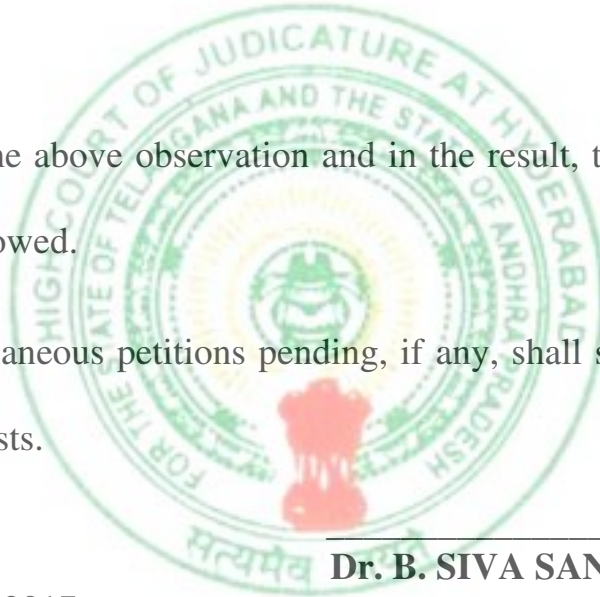
2. The revision petitioner is the defendant. The suit is of the year 2008. It is for eviction. The contest of the defendant is that the plaintiff is not the owner and there is no landlord and tenant relationship between them and it is the property belongs to the third party and the plaintiff is not entitled to seek eviction.

3. In the course of trial, on behalf of the plaintiff, PWs.1 and 2 examined and defendant herself examined as DW.1 and it is while coming for the further evidence of defendant, for no further evidence is adduced, the evidence of the defendant is closed. It is then filed the application to reopen to afford opportunity to adduce further evidence on behalf of the defendant. It is not even mentioned to of who is the witness further going to be examined after DW.1's evidence on behalf of the defendant. No witness even named though in the affidavit petition in I.A.No.1143 of 2017, at para 3 it is mentioned as if chief affidavit of DW.2 is filed. There is no such affidavit, much less who is DW.2 even not mentioned. Further, the fact remains that once the

defendant wants to adduce the evidence though earlier failed in the attempt including in C.R.P.No.6433 of 2017 against the order in I.A.No.991 of 2017, dated 14.11.2017, of examining the E.R.O. to produce the Electricity Department service connection particulars of the property not standing in the name of the plaintiff, in support of the said defence, to sub serve the ends of the justice, it is just to permit to examine within one week from the date of receipt of the order by filing the chief affidavit of the said proposed DW.2, named as one Chinnamma.

4. With the above observation and in the result, the civil revision petition is allowed.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.



Dr. B. SIVA SANKARA RAO, J

7th December 2017.

Note:

Issue C.C. by 08.12.2017.

(b/o)

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