

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.173 of 2018

ORDER:

Heard the learned counsel for the petitioner.

2. This Civil Revision Petition is filed assailing the order dt.27-11-2017 of the Principal Senior Civil Judge, Chittoor, refusing to reopen E.A.No.138 of 2013 to enable the petitioner to adduce further evidence.

3. Admittedly, the evidence on the side of the petitioner was closed on 13-11-2015 and E.A.No.297 of 2017 to reopen E.A.No.138 of 2013 is filed in October 2017, two years later. It is contended that the evidence on the part of the petitioner was very much essential to prove his case in the claim petition E.A.No.138 of 2013 filed in E.P.No.36 of 2010 in the suit. It is contended that the decree holder had died and the matter was coming up for taking steps to bring on record his legal heirs, and the pendency of the L.R. application of the decree holder prevented the petitioner from filing an application to reopen the matter and to adduce further evidence.

4. This application was opposed by the respondents who contended that this application is filed only to drag on the matter.

5. By order dt.27-11-2017, the Court below rejected E.A.No.297 of 2017 stating that their evidence had been closed long back and there was inordinate delay in filing this application to reopen

their evidence. It is stated that the petitioner was filing interlocutory applications one after another only with a view to drag on the proceedings and after addressing arguments in the main E.A., he filed this application.

6. Assailing the same, this Civil Revision Petition is filed.

7. Though the learned counsel for the petitioner sought to contend that grave prejudice would be caused to the petitioner if E.A.No.297 of 2017 is not allowed and there were no laches on his client's part in seeking reopen of the evidence, no valid explanation is given by the petitioner why he kept quiet for a period of two years from the date when his evidence was closed to file this present application. The pendency of L.R. petition of the decree holder in no way comes in the path of the petitioner to lead evidence on his side. Therefore, I see no reason to interfere with the impugned order passed by the Court below dismissing the E.A.No.297 of 2017.

8. Accordingly, the Civil Revision Petition is dismissed.
No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-01-2018
kvr