

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.1028 and 1030 of 2018

Common Order:

Aggrieved by the refusal of the Trial Court to reopen and recall, the 6<sup>th</sup> defendant in a suit for declaration has come up with the revisions.

2. Heard Mr. Kiran Palakurthi, learned counsel for the petitioner and Ms. M.L. Nilima, learned counsel appearing for the respondents 1 and 2/plaintiffs.

3. Admittedly, the applications for reopening and for recalling P.Ws.1 and 2 were filed after the Court below reserved judgment. The reasons stated by the petitioner in his Affidavit in support of the applications for reopening and recall are very curious and hence they are reproduced as follows:

“2. I submit that the above suit is underwent trial and the Hon'ble Court was pleased to reserve the judgment on 08-12-2017 and at this stage, I came to know that at the time of cross-examination of P.Ws.1 and 2, my counsel has not cross-examined on the documents relied by the plaintiffs and also not examined regarding some material and legal aspects which are essential and necessary to prove my case to cross-examine P.Ws.1 and 2 in the above aspects.

3. I submit that at the time of arguments also my counsel has not brought some important legal aspects about the possession of the property and other relevant points to the notice of the Hon'ble Court. In these circumstances, I am advised to re-examine P.Ws.1 and 2 by seeking permission of the Hon'ble Court to recall them.”

4. With the above averments, no Court can order reopening and recall. The judgment was reserved four months ago. Therefore, it is not fair to interfere at this stage. Hence, the revisions are dismissed. The applications, if any, pending in these revisions shall stand closed. No costs.

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V.RAMASUBRAMANIAN, J.

06<sup>th</sup> April, 2018.  
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