

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.1085 & 1057 of 2018

COMMON ORDER:

The present Civil Revision Petitions are filed under Article 227 of the Constitution of India, aggrieved by the order dated 09.01.2018, passed in I.A.Nos.1070 & 1071 of 2017 in O.S.No.42 of 2012, on the file of the Additional Senior Civil Judge, Rajamahendravaram, wherein the applications filed by the petitioners for reopening and recall of PW1, for further cross examination, was rejected.

2. The material on record would show that the applications came to be rejected on the ground that the petitioner did not specifically plead as to the aspects in which he intend to cross examine PW1. Further, the affidavit which has been filed before the Court below is silent in this regard, except stating that his previous advocate could not ask some important aspects, which were subsequently brought to the notice of his present advocate.

3. Since the affidavit is silent as to the aspects which the petitioner intend to cross examine PW1 and as the impugned applications came to be filed after a lapse of more than two years, the trial Court rightly rejected the request of the petitioner. I feel that the reason for rejection warrants no

interference, as no explanation is forthcoming as to why the petitioner kept quiet for such a long time.

4. At this stage, the learned counsel for the petitioner placed on record the salary certificate and relevant documents of the respondent herein and submits that he intend to elicit certain queries for which answers are required for a just decision in the case.

5. Without going into the said issue, the petitioner is given liberty to make a fresh application, mentioning the reasons as to why he intends to recall PW1 and as to why he wants to reopen and recall PW1, in which event, the Court below shall consider the same, in accordance with law.

7. With the above direction, the Civil Revision Petitions are disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in these Civil Revision Petitions, shall stand closed.

23.02.2018
vnb

C. PRAVEEN KUMAR, J