

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.R.P. No.1316 OF 2018

ORDER : (Oral)

Vide the present petition, the petitioner has challenged the order dated 09.01.2018 passed in I.A.No.989 of 2017 in O.S.No.325 of 2007 on the file of the Principal Junior Civil Judge, Bapatla, whereby the application filed by the petitioner under Section 151 of CPC to reopen the plaintiff's side evidence has been dismissed.

2. The petitioner is the plaintiff in the suit. He filed the suit against the respondents for specific performance of contract of sale. After filing of the suit, he executed a GPA in favour of one Bandaru Narendra to give evidence and conduct litigation on his behalf. Recently the petitioner came to know that except giving his evidence as PW.1 he has not adduced any further evidence to prove his contention and it appears that he did not give evidence properly before the Court. So he thought it fit to give evidence and to produce some more witnesses before the Court to prove his contention.

3. As per the material on record, the suit is of the year 2007. Issues were settled on 27.02.2009. Additional issues were framed on 09.11.2010 and 13.02.2014. Since then the matter is coming for trail. Chief affidavit of PW.1 was filed on 04.08.2015. After giving many adjournments PW.1 was present and cross-examined on 10.08.2016 and thereafter the

matter was posted for further evidence. The plaintiff's further evidence was closed on 21.09.2016 after imposing costs and conditional order. I.A. was filed to reopen the evidence of the plaintiff and the same was allowed. As the plaintiff/petitioner did not adduce further evidence, it was closed on 28.07.2017. Chief affidavit of DWs.1 and 2 were filed and they are cross examined. At that stage, the petitioner has again filed I.A. No.989 of 2017 to reopen the plaintiff's side evidence which has been dismissed.

4. In view of the facts recorded above, I find no illegality or perversity in the order dated 09.01.2018 passed in I.A.No.989 of 2017 in O.S No.325 of 2007 by the Court below.

5. Finding no merit in the instant petition and the same is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

Date : 29-03-2018
Gvl